

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, September 13, 2005

Tuesday, 9:13 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Sister Rita Robl, Adorers of the Blood of Christ, gave the invocation.

The pledge of allegiance was participated in by the Council Members, staff, and guests.

The Minutes of the August 23, 2005 meeting were approved 7 to 0.

AWARDS AND PROCLAMATIONS

Service Citation

Distinguished Service Citation.

Gail L. Hand, Library, was recognized for her many years of service and presented with a plaque.

Proclamations

Proclamations:

Mayor Mayans read aloud the following Proclamations:

“Wichita High School West Class of 1960 Day.”

“Alcohol and Drug Addiction Recovery Month.”

“Preparedness Month.”

“Union Rescue Mission Week.”

“Sign up for Scouting Month.”

PUBLIC AGENDA

Tracy Cass, Campaign Coordinator-introduce the 2005-2006 Wichita Supporting the Arts Campaign.

(Cancelled 09/12/2005)

King David Davis

King David Davis-when there is no justice there is violence.

Stated that the injustice that flows through our community has got to stop because when there is no justice, there is violence.

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Pete Dominguez

Pete Dominguez-Operation Southwind, getting rid of pornography within Sedgwick County.

Mr. Dominguez stated that he is speaking on behalf of Operations Southwind and many concerned citizens in Wichita and Sedgwick County. Stated that he is here regarding the zoning effort proposal and or the removal of sexually oriented businesses (SOBs), in Wichita and Sedgwick County. Stated that currently there are 16 SOBs in Wichita and Sedgwick County and they are in every section of our city. Stated that with a zoning ordinance in place, the City Council can help regulate the negative secondary effects of SOBs. Stated that some of the negative secondary effects of SOBs include but are not restricted to the following: 1) encourage a low level of respect for women and victimize women; 2) enslaves its customers, many times leading to addiction; 3) increase crimes, such as rape, sexual assault, indecent exposure, peeping toms, child molestation and prostitution, which can lead to an increase in medical cost due to these unhealthy lifestyles; 4) pornography can and does fall under the hands of children and 5) it reduces property values both residentially and commercially. Stated that he encourages the City Council Members, that represent our City to show courage and move forward and create a zoning ordinance for these SOBs.

Jim Lawing

Attorney Jim Lawing-what we as a city can do for the victims of Hurricane Katrina that will also benefit our infrastructure.

Mr. Lawing stated that he would like to help start a brief and decisive discussion between the City Council Members, City Manager and the various department heads regarding the civic improvement budget. Stated that the City has a very orderly and sensible plan on infrastructure improvement. Stated that the evacuees that we have here may be looking for work and it seems that we could take some items that are on the planning board for the next year or two and move them up and not only give people opportunities for employment but really advance the security and the safety of the City. Stated that one project that is not on an official to do list is that there are a lot of structures or homes in the City that are dilapidating, that could become out of fairly modest expense, future homesteads. Stated that people could move in and bring those houses up to code, with grant money or money from private organizations or other governmental sources. Stated that if they live in those areas for five years, then that house would be theirs. Bringing families in, especially families with children would be a great opportunity to help improve on that. Stated that he hopes that something can be done in this regard.

CONSENT AGENDA

Council Member Gray

Council Member Gray stated that he would be abstaining from voting on item 12c.

Motion--
--carried

Mayans moved that the Consent Agenda items 5 to 37, except for 12c be approved as presented. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED SEPTEMBER 12, 2005.

Bids were opened August 26, September 2 and September 9, 2005, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Storm Water Sewer #615 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (468-83998/751399/485290) Does not affect existing traffic. (District V)

Mies Construction - \$120,000.00

Water distribution system, Phase 3 to serve The Fairmont Addition - north of 21st Street North, west of 127th Street East. (448-89661/735266/470937) Does not affect existing traffic. (District II)

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WBW Contractors - \$27,776.00

Water Distribution System to serve Krug North and Krug North 2nd Additions - north of 21st Street North, west of 143rd Street East. (448-89935/735260/470931) Does not affect existing traffic (District II)

Mies Construction \$59,568.65

2005 Contract Maintenance CIP Street Rehabilitation: Hydraulic; 37th Street North & Meridian. (472-84158/706926/620426) Traffic to be maintained during construction using flagpersons and barricades. (Districts II, IV, VI)

Cornejo & Sons Construction - \$391,000.00 (Engineer's estimate)

2004-2005 Traffic Signalization Program Phase V, to signalize the intersection of Central & 119th Street West - Central & 119th Street West. (472-84212/706911 /204377) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Phillips So. Electric - \$95,531.39

Storm Water Drain # 262 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (468-83996/751398/485289) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Unruh Excavation - \$136,752.00

Storm Water Drain # 250 to serve The Waterfront Addition - north of 13th Street North, east of Webb. (468-83950/751394/485285) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Wildcat Construction - \$233,150.00 (Total base bid)

2005 Sanitary Sewer Reconstruction Phase 9 - various locations north of Harry, west of Oliver. (468-84069/620440/665560) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, VI)

WB Carter Construction - \$266,000.00

Presbyterian Manor Drainage Improvements to serve Synod Addition - north of 13th Street, west of Zoo Boulevard. (468-84074/660508/854118) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

WB Carter Construction - \$13,310.00

Main 6, Cowskin Interceptor Sewer to serve Turkey Creek Addition - south of Kellogg, west of 119th Street West - (468-83817/744081/480769) Traffic to be maintained during construction using flagpersons and barricades. (Districts IV and V)

Mies Construction - \$458,477.00

Williamsgate Court serving Lots 1 through 21, Block 1, from the east line of Williamsgate to and including the cul-de-sac to serve Hawthorne 3rd Addition - north of 21st, east of 127th Street East. (472-84083/765943/490056) Does not affect existing traffic.. (District II)

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APAC – Kansas Inc. - \$188,420.50 (Total base bid)

Bridlewood from the east line of Lot 28, Block 2, to the west line of Lot 1, Block 3; Bridlewood Court serving Lots 17 through 27, Block 2, from the south line of Bridlewood to and including the cul-de-sac to serve Reed's Cove Addition - south of 21st, east of 127th Street East. (472-84238/765952/490065) Does not affect existing traffic. (District II)

APAC – Kansas Inc. - \$114,165.75

Water Distribution System to serve Woodland Heights Addition - south of Central, east of Ridge. (448-90059/735268/470939) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Mies Construction - \$45,558.00

Oak Creek Parkway from 21st Street North to Greenwich Road; Chateau Parkway from 21st Street North to a point 80 feet south of Lot 4, Block 2 to serve Oak Creek Addition - south of 21st Street North, west of Greenwich. (472-84209/765936 /490049) Does not affect existing traffic. (District II)

Cornejo & Sons Construction - \$930,528.40

Edwards from the south line of the plat, north to the south line of West 62nd Street North; Rio Vista from the east line of Edwards, east to the east line of the plat; Richmond from the north line of Rio Vista, north to the north line of the plat; West 62nd Street North from the west line of the plat, east to the west line of Richmond; Richmond Court from the west line of Richmond, west to and including the cul-de-sac; Rio Vista Court from the south line of Rio Vista, south to and including the cul-de-sac; Sidewalk along one side of Edwards, Rio Vista, Richmond and West 62nd Street North to serve Rio Vista 4th Addition - north of 61st Street North, west of Meridian. (472-84056/765949/490062) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Ritchie Paving - \$612,524.40

Motion--

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Fire Sprinkler System Testing.

Simplex Grinnell LP - \$6,478.00 (Group 1 total net bid)

PARK & RECREATION DEPARTMENT/RECREATION DIVISION: Playground Improvements Pocket Park.

Suburban Landscape Management - \$70,000.00 (Group 1 total net bid)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Transportation of Biosolids.

Central Trucking - \$139,950.00' (Group 1 base bid)

H & K Hauling - \$153,900.00' (Group 1 base bid)

Fremar LLC - \$306,900.00* (Group 1 base bid)

*Estimate - Contract approved on unit cost basis.

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PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: Traffic Barrels & Barricades.

J & A Traffic Products - \$32,290.00* (Group 1 total net bid)

*Estimate - Contract approved on unit cost basis.

INFORMATION TECHNOLOGY-IT/IS DEPARTMENT/OPERATIONS DIVISION:

Software House International* - \$29,527.40

*Purchasing utilizing Government Entities Contracts, Cooperative Contracts and Agreements/Ordinance No. 38-122 Section 2.64.020 (j).

WATER & SEWER DEPARTMENT/MAINTENANCE DIVISION: Drainage Repairs & Rehabilitation at Various Sites.

WB Carter Construction - \$179,931.00* - (Group 1 total net bid)

*(Engineer's estimate)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: City Hall Prosecutor's Office Remodel.

Commerce Construction Services Inc. - \$88,400.00 (Group 1 total net bid)

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSES

APPLICATION FOR LICENSES.

<u>Renewal</u>	<u>2005</u>	
Valerie Washington	Xcitement Video	3909 West Pawnee
Valerie Washington	Xcitement Video	220 East 21st Street
Ernest C. Doyon	Vegas Video LLC	8323 West Kellogg
Norman Massey Jr.	Zigefields	4200 West Kellogg Drive

Motion--
--carried

Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried 7 to 0.

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Wayne R. Larson	Sierra Hills Golf Club	13420 East Pawnee

<u>Renewal</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Amaine Muthana	Central Food Mart Inc.	2900 East Central
Thuy Nguyen	Quick Pick	3733 North Arkansas

<u>New Operator</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Hasmer Feroze	Stassen Industries DBA Fill It Up	3810 North Woodlawn

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Special Event

September 24, 2005

Devin W. Hansen

Wagonmaster 2005 Chili Cookoff

600 East Douglas

Motion--
--carried

Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried 7 to 0.

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a) Water Distribution System to serve properties along 37th St. North from Maize Road to Tyler Road - along 37th Street North, from Maize Road to Tyler Road. (448-89803/635650/763706) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$450,000
- b) 16 Inch Water Distribution System in Oliver from Pawnee to George Washington Boulevard - along Oliver from Pawnee to George Washington Boulevard. (448-89797/633746/752833) Traffic to be maintained during construction by using flagpersons and barricades. (District III) - \$340,000
- c) Decker and Decker Circle from the north line of Cavit, north to and including cul-de-sac; Texas from the east line of Decker, east to the east line of the plat; Texas Court from the north line of Texas, north to and including cul-de-sac; Sidewalk on one side of Texas and Decker to serve Shadow Woods Addition - north of Maple, west of 135th Street West. (472-83723/765938/490051) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$391,000
- d) Lateral 507 Southwest Interceptor Sewer to serve Woodland Heights 2nd Addition - south of Central, east of Ridge. (468-83972/744137/480825) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$35,700
- e) Water Distribution System to serve Rio Vista Estates 4th Addition - north of 61st Street North, west of Meridian. (448-89981/735247/470918) Does not affect existing traffic. (District VI) - \$128,000
- f) Stout, from the north line of 13th Street North to the south line of Hunters View Hunters View/Bellick, from the west line of Cheryl's Hollow Addition to the east line of Stout; Stout Court from the west line of Stout to and including cul-de-sac (Lots 3 through 9, Block 1); Stout Court, from the west line of Stout to and including cul-de-sac (Lots 10 through 17, Block 1) to serve Cheryl's Hollow Addition - north of 13th Street North, west of 135th Street West. (472-84139/765920/490033) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$565,000
- g) Storm Water Drain #228 to serve Krug North Addition - north of 21st Street North, west of 143rd Street East. (468-83793/751405/485296) Does not affect existing traffic. (District II) - \$468,000
- h) Cost of improving Harry and Kellogg (472-84018/706895/204-361. (District III). Total estimated cost - \$225,000
- i) Cost of Bluelake, 31st Street South, and Bolin Drive from the south line of Lot 15, Block D, north, east and south to Sabin; Sabin from the southwest line of Bolin Drive south to the north line of Lot 61, Block D; Bluelake Court (Lots 84 thru 100, Block A, from the west line of Bluelake west to and including the cul-de-sac; Bluelake Court (Lots 101 thru 117, Block A) from the west line of Bluelake west to and including the cul-de-sac; Sabin Court from the west line of Sabin, west to and including the cul-de-sac and south to and including the cul-de-sac; Sidewalk along one side of Bluelake, 31st Street South, Bolin Drive and Sabin to serve Blue Lake Addition, west of West Street, north of MacArthur. (District IV). - \$1,030,000.

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Motion--carried Mayans moved that the file be received. Motion carried 7 to 0.

BRENTWOOD ADD. STREET PAVING, SANITARY SEWER AND WATER DISTRIBUTION SYSTEM TO SERVE BRENTWOOD SOUTH ADDITION, EAST OF WEBB, NORTH OF PAWNEE. (DISTRICT II)

Agenda Report No. 05-0774

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving, sanitary sewer, and water service to a new residential development located east of Webb, north of Pawnee.

The Petitions total \$526,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-446

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90111 (east of Webb, north of Pawnee) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented.

Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-447

Resolution of findings of advisability and Resolution authorizing construction of Lateral 381, Four Mile Creek Sewer (east of Webb, north of Pawnee) 468-84071, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented.

Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-448

Resolution of findings of advisability and Resolution authorizing constructing pavement on Stafford, from the North Line of Pawnee to the east property line of Lot 9, Block 6; Stoneybrook from the north line of Stafford to a point approximately 100 feet north; Stafford Court, from the north line of Stafford to and including the cul-de-sac (Lots 1 through 7, Block 7) Stafford Court, from the east line of Stafford to and including the cul-de-sac (Lots 13 through 24, Block 6) (east of Webb, north of Pawnee) 472-84270 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

OSBECK CONSTRUCT A SANITARY SEWER TO SERVE OSBECK ADDITION, WEST OF TYLER, SOUTH OF KELLOGG. (DISTRICT IV)

Agenda Report No. 05-0775

The Petition has been signed by three owners, representing 100% of the improvement district.

The project will provide sanitary sewer service for a new commercial development located west of Tyler, south of Kellogg.

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The Petition totals \$70,577. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-445

Resolution of findings of advisability and Resolution authorizing construction of Lateral 7, Main 8, Southwest Interceptor Sewer (west of Tyler, south of Kellogg) 468-84062, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

DEEDS/ESMNTS.

DEEDS AND EASEMENTS:

- a) Easement dated July 26th, 2005 from Unified School District #265 over a tract of land lying in part of the NW1/4 of Sec.27, T27S, R2W of the 6th P.M., Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- b) Permanent Easement dated July 29th, 2005 from North Ridge Lakes, Inc., Marvin Schellenberg, President over a tract of land lying in the Northeast corner of the Northwest Quarter of Section 4, Township 2 South, Range 1 West of the 6th P.M. in the City of Wichita, Sedgwick County, Kansas (OCA# 607861). No Cost to City.
- c) Permanent Easement dated July 28th, 2005 from Leslie Eck over a tract of land lying in the South Half of Section 19, Township 27 South, Range 2 East of the 6th P.M. in the City of Wichita, Sedgwick County, Kansas (OCA# 607861). No Cost to City.
- d) Sanitary Sewer Easement dated August 10th, 2005 from Gerald Dunnegan & Erma L. Dunnegan, husband and wife, over tracts of land in the SE 1/4, Section 25, TWP 27S, R2W, Wichita, Sedgwick County, Kansas (OCA# 744081). No Cost to City.
- e) Sanitary Sewer Easement dated August 10th, 2005 from Gerald Dunnegan & Erma L. Dunnegan, husband and wife, over a tract of land lying in Lot 3, Block 1, Wheatridge Addition, Sedgwick County, Kansas (OCA #744081). No Cost to City.

Motion--carried Mayans moved that the documents be accepted. Motion carried 7 to 0.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 05-0841

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted:

Wichita Half Marathon – Sunday, September 18

§ Sim Park Drive from Stackman to Cowtown – 7:45-8:10 a.m.

§ One lane of McLean from Seneca to Exploration Place – 8:00 to 10:45 a.m.

2005 Wagon Masters' Downtown Chili Cookoff – Saturday, September 24,
6:00 a.m.-5:00 p.m.

§ Douglas from just east of Emporia to the railroad overpass (just west of Santa Fe)

§ St. Francis from ½ block north of Douglas to William Street

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2005 Wichita's Komen Race for the Cure – Saturday, September 24, 7:00-10:30 a.m.

§ Douglas at Post Oak to Douglas at Woodlawn

§ Armour at Whittier to Armour at Douglas

Police security is arranged to remove blockades as necessary to allow emergency vehicle access during entire designated time period

In as much as possible, event sponsors are responsible for all costs associated with special events.

Motion--

Mayans moved that request subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets be approved. Motion carried 7 to 0.

--carried

WOODLAND ESTS.

RESPREAD ASSESSMENTS: WOODLAND LAKES ESTATES FOURTH ADDITION, SOUTH OF LINCOLN, WEST OF 127TH STREET EAST, (DISTRICT II)

Agenda Report No. 05-0776

The landowners, International Trading, Inc.; Moeder Homes, LLC; Don Mertens Custom Homes, Inc.; Alexis Phongsavath & Sam Duangtavan; Vy Nguyen; Darryl Fields; and Jenna Flynt, have submitted an Agreement to respread special assessments within Woodland Lakes Estates 4th Addition.

The land was originally included in an improvement district for a storm water sewer project and a street improvement project. The purpose of the Agreement is to respread special assessments on a fractional basis for each lot, therefore, distributing the cost of the improvements more fairly. Without the Agreement, the assessments will remain spread on a square foot basis.

The Agreement has been approved as to form by the Law Department.

Motion--

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

PLANEVIEW LIB.

PLANEVIEW COMMUNITY LIBRARY MEMORANDUM OF AGREEMENT. (DISTRICT III)

Agenda Report No. 05-0777

Since the summer of 2003, public library service for the Planeview neighborhood has been delivered through a partnership between Colvin Elementary School and the Wichita Public Library. A memorandum of agreement establishes the framework for shared decision-making concerning the design and delivery of library service. The original agreement was for a twelve-month period with a requirement that the document be reviewed on an annual basis. Staff from the school district and the public library have completed the review process and have reached consensus on a revised agreement to guide operation for the 2005-2006 year.

The first year of operation under the agreement resulted in more efficient delivery of library service to the customers of this facility. Through the first seven months of 2005, a total of 2,492 items were loaned to public customers of the library. Approximately 60% of the use is by adults with the remaining 40% by children. The Library Board has reviewed the agreement and recommends approval.

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The agreement assumes continuation of the City's materials budget for the Planeview Library at \$5000 per year. More than 10,000 city-owned items remain in the shared library collection. Assistance with special programs has been incorporated into the public library's youth outreach service schedule. Costs to transport public library materials to and from the library are incorporated into the Library's branch delivery route. All other operational expenses are the responsibility of the school district. The agreement has been reviewed and approved by the Budget Office.

The Law Department has reviewed and approved the agreement as to form.

Motion--
--carried

Mayans moved that the City's participation in the partnership for an additional year be endorsed by the City Council and the Mayor authorized to sign the memorandum of agreement. Motion carried 7 to 0.

(Item 12C) TRINITY POINT

RESPREAD ASSESSMENTS: TRINITY POINT ADDITION, NORTH OF 47TH STREET SOUTH, EAST OF HOOVER. (DISTRICT IV)

Agenda Report No. 05-0778

The landowners, Trinity Point, LLC and Alice W. Wall Revocable Trust, platted Trinity Point Addition and have submitted an Agreement to respread special assessments within the Addition.

The land was originally included in an improvement district for sanitary sewer main and pump station improvements. The purpose of the Agreement is to respread special assessments on a fractional basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Gray abstained).

VALLEY FEDERAL

COLLATERAL AGREEMENT WITH THE VALLEY FEDERAL STATE BANK AND HILLCREST BANK.

Agenda Report No. 05-0779

State statutes require financial institutions that receive City deposits in excess of the Federal Deposit Insurance Corporation (FDIC) insurance limit to collateralize the deposit. Sound management practice dictates the collateral be placed in a third party financial institution where the depository cannot gain control of the securities. The City's investment policy requires a collateral agreement to be put in place to govern the handling of the securities and define the terms and conditions for replacing and changing title to the securities.

The Valley State Bank and Hillcrest Bank currently hold City of Wichita deposits. The City investment policy requires a renewal of collateral agreements every three years. The new collateral agreement has been updated with minor changes. Both Valley State Bank and Hillcrest Bank have agreed to these changes. The new agreement must be in place prior to placing additional City of Wichita deposits.

Time and demand deposits with local financial institutions are a viable investment for City idle funds. All financial institutions are required to offer rates of return competitive with other investments of similar maturities.

The Law Department has reviewed the collateral agreement and approved as to form.

Motion--
--carried

Mayans moved that the collateral agreement be approved and the Mayor authorized to sign. Motion carried 7 to 0.

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**AUBURN HILLS 15TH CONSTRUCTION ENGINEERING AND STAKING IN AUBURN HILLS 15TH ADDITION,
WEST OF 135TH STREET WEST, NORTH OF KELLOGG. - SUPPLEMENTAL.
(DISTRICT V)**

Agenda Report No. 05-0780

The City Council approved the water distribution system and paving improvements in Auburn Hills 15th Addition on March 1, 2005. On April 19, 2005 the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for construction engineering and staking for the improvements. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering and staking for this project.

Payment to Baughman will be on a lump sum basis of \$12,100 and will be paid by special assessments.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

**HYDRAULIC HYDRAULIC FROM MACARTHUR TO THE CITY LIMITS. - SUPPLEMENTAL.
(DISTRICT III)**

Agenda Report No. 05-0781

The 2002-2011 Capital Improvement Program adopted by the City Council included a project to improve Hydraulic from MacArthur to 57th St. South. On December 7, 1999, the City entered into an Agreement with Baughman Company, P.A. to design street and drainage improvements to Hydraulic from MacArthur to the City limits. Sedgwick County's Capital Improvement Program has included a project to improve Hydraulic, between 63rd St. South and 57th St. South. The adjoining area has been annexed into the City of Wichita. As a result, it is desirable that the City administers the project. The County has acquired needed right-of-way, paid design expenses and will contribute \$500,000 to pay part of the construction cost.

On November 24, 1999, the County entered into an Agreement with Baughman to design Hydraulic from 57th to 63rd Street South. The City would pay any additional design costs over the original contract amount between the County and Baughman. Baughman has been asked by the City to include the 63rd Street intersection, new pavement north of the bridge and convert the plans from County to City.

Payment will be on a lump sum basis of \$31,680 and will be paid by General Obligation Bonds.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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AVALON PARK ADD. CONSTRUCTION ENGINEERING AND STAKING IN AVALON PARK ADDITION, NORTH OF 37TH STREET NORTH, EAST OF TYLER. - SUPPLEMENTAL. (DISTRICT V)

Agenda Report No. 05-0782

The City Council approved the paving improvements in Avalon Park Addition on September 9, 2003. On May 24, 2005 the City approved an Agreement with Professional Engineering Consultants, P.A. (PEC) to design the improvements. The Design Agreement with PEC requires PEC to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and PEC provides for construction engineering and staking for the improvements. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering and staking for this project.

Payment to PEC will be on a lump sum basis of \$28,000 and will be paid by special assessments.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

13TH STREET NORTH 13TH STREET NORTH FROM 135TH STREET TO 119TH STREET WEST. - SUPPLEMENTAL. (DISTRICT V)

Agenda Report No. 05-0783

The 2004 Capital Improvement Program includes funding for improving 13th Street North from 135th to 119th Street West. The Staff Screening & Selection Committee selected Schwab-Eaton, P.A. for the design on April 1 & 2, 2004. On May 4, 2004, the City entered into an Agreement with Schwab-Eaton for designing 13th Street North from 135th to 119th Street West for a fee of \$117,800.

The Water Department has asked Schwab-Eaton for a separate set of plans detailing both relocation of existing and construction of new water lines in the area of 135th Street West and 13th. The proposed Supplemental Agreement provides for the additional design services.

Payment to Schwab-Eaton will be on a lump sum basis of \$9,500, and will be paid by Operating Revenues.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

THE FAIRMONT THE FAIRMONT ADDITION, NORTH OF 21ST STREET, WEST OF 127TH STREET WEST. (DISTRICT II)

Agenda Report No. 05-0784

The City Council approved the water distribution system, sanitary sewer and paving improvements in The Fairmont Addition on August 9, 2005.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond-financed improvements consisting of water, sanitary sewer and paving in The Fairmont Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm

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provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$41,000, and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

KRUG NORTH

KRUG NORTH, KRUG NORTH SECOND AND HAWTHORNE THIRD ADDITIONS, NORTH OF 21ST STREET, WEST OF 143RD STREET EAST. (DISTRICT II)

Agenda Report No. 05-0785

The City Council approved the water distribution system, sanitary sewer, storm water drainage and paving improvements in Krug North, Krug North 2nd and Hawthorne 3rd Additions on April 13, 2004.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water, sanitary sewer, storm water drainage and paving in Krug North, Krug North 2nd and Hawthorne 3rd Additions. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$76,400, and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

WOODLAND HGHTS. **WOODLAND HEIGHTS SECOND ADDITION, NORTH OF SECOND STREET, EAST OF RIDGE. (DISTRICT V)**

Agenda Report No. 05-0786

The City Council approved the water distribution system and sanitary sewer improvements in Woodland Heights 2nd Addition on March 22, 2005.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water and sanitary sewer in Woodland Heights 2nd Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$10,500, and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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KILLARNEY PLAZA KILLARNEY PLAZA EAST ADDITION, NORTH OF 29TH STREET NORTH, WEST OF ROCK ROAD. (DISTRICT I)

Agenda Report No. 05-0787

The City Council approved the water distribution system, sanitary sewer and paving improvements in Killarney Plaza East Addition on May 17, 2005.

The proposed Agreement between the City and Certified Engineering Design, P.A. provides for the design of bond-financed improvements consisting of water, sanitary sewer and paving in Killarney Plaza East Addition. Per Administrative Regulation 7a, staff recommends that Certified Engineering be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Certified Engineering will be on a lump sum basis of \$17,071, and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

GYPSUM CREEK GYPSUM CREEK-PAWNEE TO WOODLAWN FLOOD CONTROL AND STREAM RESTORATION. (DISTRICT III)

Agenda Report No. 05-0788

The Capital Improvement Program includes funding for improving the natural channel of Gypsum Creek between Pawnee and Woodlawn by constructing a 20 ft. wide gabion lined low flow channel with grassed overbank area. Constructing this project would lower flood elevations in this area by 3 to 5 feet.

The proposed Agreement between the City and HNTB Corporation provides for the preliminary concept design of channel improvements on Gypsum Creek from Pawnee to Woodlawn. The Staff Screening and Selection Committee selected HNTB for the preliminary concept design on April 18, 2005.

Payment to HNTB will on a lump sum basis of \$108,655, and will be paid by General Obligation Revenue Bonds.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

CENTRAL CORRIDOR CENTRAL CORRIDOR RAILROAD IMPROVEMENT. (DISTRICT VI)

Agenda Report No. 05-0789

On March 8, 2005, the City Council approved a construction contract with Dondlinger & Sons, Inc. to construct Central Corridor Railroad Improvements. When excavating in the area near 16th Street, an old brick arch storm water sewer was discovered. The storm sewer has partially collapsed and should be replaced to provide a stable base for carrying railroad traffic and to drain the area west of Santa Fe to the I-135 drainage canal.

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A Change Order has been prepared for the work necessary to replace the storm water sewer. Funding is available within the project budget.

Financial Considerations: The cost of the additional work is \$163,215, with the total paid by a combination of City-at-Large funds, Federal grants administered by the Kansas Department of Transportation and railroad funds. The original contract is \$57,444,085. This Change Order represents .028% of the original contract amount.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

WATER FEATURES

INTERACTIVE WATER FEATURES AT FAIRMOUNT AND OSAGE PARKS. (DISTRICTS I AND IV)

(PULLED PER PUBLIC WORKS & MANAGER, 09-09-05)

PROP. ACQUISITION

PARTIAL ACQUISITION OF LAND AND EASEMENTS FOR THE NORTH AREA SEWER SANITARY LINE NEAR MERIDIAN AND 53RD STREET NORTH. (DISTRICT VI)

Agenda Report No. 05-0790

On December 16, 2003, the City Council approved the installation of Interactive Water Features at Fairmount and Osage Parks.

On July 20, 2004 City Council approved the design-build team of Key Construction and Spangenburg Phillips for the project.

Throughout the design process special attention was given to get the most out of the water features in the park both in quality and size. The project budget of \$400,000 for each park, \$800,000 total, was allotted for water features and construction of the parks. It was determined late in the design phase that the cost of the water features proposed for the project was going to be more than anticipated in the original project design.

Rather than take away from the water feature's size and number of play features, Park and Recreation recommended the use of funds from remaining 2004 CIP funds approved for Park improvement to pay for the extra expense of the amenities at each park. This solution allowed the City of Wichita to keep the fun value of the park at a high level, as well as provide the shade structures, benches and trash receptacles.

The Change Order includes the construction of three (3) shade structures, thirteen (13) benches and four (4) trash receptacles at \$35,000, or 4.4% of the original contract.

Funding for the Change Order is from the 2004 Park Improvement CIP (OCA #785042).

The Law Department has approved the Change Order as to form.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

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PROP. ACQUISITION PERMANENT EASEMENT FOR INTEGRATED LOCAL WATER SUPPLY PLAN.

Agenda Report No. 05-0792

On August 3, 1993 the City Council approved the Water Supply Plan prepared by Burns & McDonnell/MKEC Engineering Consultants. The Plan identified cost-effective water resource projects to meet the City's future water needs. On October 10, 2000 City Council approved the projects and implementation of the plan. One portion of the Water Supply Plan is the groundwater recharge project which includes the capture of above base flow water (water which is generated from rainfall runoff above the base river flow) in the Little Arkansas River, the transfer to and storage of captured water in the aquifer, and the recovery and use of this water to meet future demands for the City of Wichita.

Twenty-two sites were identified as necessary for the location of a twenty-four inch water line to serve recharge/recovery wells, recharge well, or recharge basins. Landowners of three sites have agreed to provide these pipeline and temporary construction easements to the City of Wichita for a respective \$5,590 or the equivalent to \$1,500 per acre.

A budget of \$5,740 is requested; this includes \$5,590 for acquisition and \$150 for title work, title insurance and closing costs. Funding for this project is included in the CIP in W-549, Water Supply Plan Phase III, which has an available funding of over \$7.6 million

The Law Department has approved the contracts as to form.

Motion--
--carried

Mayans moved that the Budget and permanent easement be approved and the necessary signatures authorized. Motion carried 7 to 0.

EXPENSE REPORT EXPENSE FOR SENIOR MANAGEMENT, FOR MONTH OF JULY 2005.

Motion--carried

Mayans moved that the report be received and filed. Motion carried 7 to 0.

ASSESSMENT ROLLS PROPOSED ASSESSMENT ROLLS.

Proposed Assessment Rolls have been prepared for forty-one (41) paving projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held October 3, 2005 at 11:00 a.m.

Motion--
--carried

Mayans moved that the hearing on the Proposed Assessment Rolls for 9:30 a.m., Tuesday, October 18, 2005 be set and the City Clerk be directed to publish the notices of hearing at least once not less than 10 days prior to the date of the hearing. Motion carried 7 to 0.

PLAYGRND REHAB. PLAYGROUND REHABILITATION AND DEVELOPMENT. (DISTRICTS III & VI)

Agenda Report No. 05-0793

Starting in 2000, the City has been in the process of renovating playgrounds and replacing playground equipment across the city of Wichita to enhance this community resource and address safety concerns associated with current configurations. To date, the City has fully or partially renovated 65 of the 71 playgrounds.

The 2005 and 2006 Park Capital Improvement Program (CIP) includes \$200,000 in funding to rehabilitate park playgrounds and amenities in various locations. The following park and recreation sites have been identified for renovation and equipment replacement in 2005 and 2006: North Woodland, Evergreen, Schell, Cessna, Osage, Fairmount and Central Riverside Parks.

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Investments in North Woodland, Evergreen and Cessna Parks will be to replace the concrete play features that were removed earlier this year. Schell Park will receive a new playground system in accordance with the 1999 Master Plan created for this park. The swing set areas at Osage and Fairmount Parks will receive rubberized poured-in-place safety surfacing to replace the sand safety surfacing. Central Riverside Park will include complete renovation by removing the very old playground features and replacing them with a new playground system to include "boundless play" for accessibility.

The 2005 and 2006 Park CIP includes \$200,000 each year (\$400,000 total) for renovating playgrounds and replacing playground equipment. The funding source is general obligation bonds.

The Law Department has approved the bonding resolution as to form.

Motion--
--carried

Mayans moved that the bonding resolution be adopted; initiation of the project authorized and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-449

A Resolution authorizing the issuance of bonds by the City of Wichita at large for the Labor, Material, and Equipment for Design, Furnishing and Installation of Playground Equipment, Rubber Safety Surfacing and Improvements for North Woodland Park, Evergreen Park, Cessna Park, Schell Park, Osage Park, Fairmount Park, and Central Riverside Park, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

ATHLETIC COURTS ATHLETIC COURT IMPROVEMENTS. (DISTRICTS III & VI)

Agenda Report No. 05-0794

The Park and Recreation Department has a number of athletic courts across the City Council Member, which are in need of major repair or replacement. These include basketball/multi-use courts, horseshoe courts, shuffleboard courts, tennis courts, and tetherball courts. Community Development Block Grant (CDBG) and Capital Improvement Program (CIP) funds over the past several years have allowed replacement of numerous deteriorating asphalt tennis courts with post-tension concrete courts.

The 2005 and 2006 Park CIP includes funding to repair, remove, or construct courts across the city. Evergreen Park and Orchard Park are scheduled next for replacement of tennis courts and basketball courts, based on court condition and community need. Complete removal of old courts and construction of one new tennis court and one new basketball court to include new fencing and lighting are planned for both parks adjacent to the Recreation Centers.

The 2005 and 2006 Park CIP includes \$220,000 each year (\$440,000 total) for the repair, removal, and/or construction of athletic courts across the city. The funding source is general obligation bonds.

The Law Department has approved the bonding resolution as to form.

Motion--
--carried

Mayans moved that the initiation of the project be approved; the bonding resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-450

A Resolution authorizing the issuance of bonds by the City of Wichita at large for Labor, Material and Equipment for the removal and relocation of the Tennis Courts and Basketball Courts at Evergreen Park, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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DETERRENCE PROG. 2006/2007 KANSAS IMPAIRED DRIVING DETERRENCE PROGRAM.

Agenda Report No. 05-0795

Since 2003, the Wichita Police Department has participated in the Kansas Department of Transportation, Impaired Driving Deterrence Program, which provides overtime pay for officers enforcing DUI laws. The program is designed to help local law enforcement agencies dedicate time and resources to increase awareness of the dangers of driving impaired. It emphasizes DUI enforcement coupled with a public education and awareness component designed to deter impaired driving. The enforcement aspect of the program requires the utilization of three DUI checkpoints and five organized saturation patrols in the course of each program year.

The Wichita Police Department has a comprehensive traffic safety plan that was implemented in conjunction with the reorganization of the Traffic Section that began in 2001. During the past two and a half years, alcohol-related crashes have remained nearly the same, while alcohol-related fatality crashes have increased. Participation in the Impaired Driving Deterrence Program will allow the Police Department to supplement normal staffing and routine enforcement efforts with additional, dedicated DUI enforcement personnel. Public education opportunities will accompany the enforcement exercises to heighten awareness, modify perceptions, and deter impaired driving. The grant also includes funding for the purchase of necessary commodities to support the enforcement efforts.

The Kansas Department of Transportation will reimburse the Police Department for overtime incurred while performing DUI checkpoints and saturation patrols and commodities purchased for the program. The grant application includes total funding of \$12,888 for the two program years. No local match is required.

Motion--
--carried

Mayans moved that the application be approved and the necessary signatures authorized. Motion carried 7 to 0.

SANITARY SEWER EMERGENCY SANITARY SEWER REPAIR. (DISTRICT V)

Agenda Report No. 05-0796

On August 7, 2005, the customer at 323 North Kentucky experienced a sewer backup. Investigation by Sewer Maintenance crews revealed damage in the riser pipe to which the private service line is connected. The riser pipe was installed as part of the municipal sewer project.

The City has experienced numerous problems with trench settlement on this project; therefore, it is reasonable to conclude that the damage to the riser is related to the compaction issues with this project. The contractor who installed the municipal sewer is no longer in business, so the City must accept the responsibility for repairing this riser. The riser was full of mud, and it was expected that the customer would be without service if the repair were not done immediately.

The riser connects to the sewer main at a depth of 23 feet. Excavations to this depth are beyond the reach of department excavators and trench boxes, making it necessary to hire the services of an outside contractor. Staff contacted four contractors for informal bids and received three responses. Dondlinger Construction submitted the lowest bid with \$12,800.

On August 11, it was determined that poor trench compaction was also responsible for the failure of the driveway at this address. It was necessary to remove and replace a portion of the driveway and recompact the trench below it. Dondlinger Construction provided a quote of \$15,250 to repair the driveway while on site to repair the riser. Having Dondlinger repair the driveway while on site will avoid a trip hazard due to a grade that would not match the existing grade. In the concern for public safety, the City Manager authorized Dondlinger Construction to perform the driveway repair work at the same time as the riser work.

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To excavate for the sewer repairs, a portion of the existing sprinkler system had to be removed and replaced. Sewer Maintenance took separate informal bids, and Aquarius Greenbelt submitted the lowest bid at \$790.

The cost for the combined repairs is \$28,840. Funds are available in CIP S-4, Reconstruction of Old Sanitary Sewers. The project will be funded from future sewer revenue bonds and/or Sewer Utility cash reserves.

City Ordinance 2.64.020, "Public Exigency," authorizes the City Manager to approve work to be performed by a contractor without formal bidding.

Motion--
--carried

Mayans moved that the City Manager's Public Exigency approval of the project be affirmed.
Motion carried 7 to 0.

POLICE RADIOS

POLICE MOBILE RADIOS.

Agenda Report No. 05-0797

The Wichita Police Department operates four substations located around the City. Most police work and police cases are "field generated" and it is essential that police officers responding to 911 generated calls possess reliable communication devices. Many of the mobile radios currently in the police fleet were purchased several years ago and are no longer manufactured by the Motorola Company. Additionally, there are limited spare parts available to fix the outdated radios.

The safety of a police officer may depend on his/her police radio, which enables a constant communication lifeline between the officer and the dispatch center and other officers on the street. The current mobile radios in the police fleet are old and not reliable. The City/County radio shop can no longer repair the radios because there are limited parts available due to changing technology. The requested radios would replace the current outdated radios in the fleet and would be up to date with the technological changes that have occurred over the years through the Motorola Company.

The Adopted 2005-2014 Capital Improvement Program (CIP) includes \$640,000 for the replacement of police mobile radios. The funding source is General Obligation bonds.

The Law Department has approved the bonding ordinance as to legal form.

Motion--
--carried

Mayans moved that the project be approved; the bonding ordinance adopted and the necessary signatures authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance determining the necessity for acquiring mobile radios for the Police Department, together with certain spare parts and installation equipment, and providing that the cost of said acquisition shall be paid by the City of Wichita, Kansas, at large through the issuance of General Obligation Bonds of the City of Wichita, Kansas, under the City's Home Rule Authority as set out in Article 12, Section 5, of the Constitution of the State of Kansas, introduced and under the rules laid over.

PRESBY. MANORS

CITY OF WICHITA HEALTH CARE FACILITIES REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES VII-A, 2001 AND SERIES III, 2004 (PRESBYTERIAN MANORS, INC.); REPLATTING REQUEST, CITY OF SALINA FACILITIES (DISTRICT II)

Agenda Report No. 05-0798

In 1990, 2001 and 2004, the City of Wichita, through a number of interlocal cooperation agreements, issued refunding and improvement revenue bonds to finance or refund previous financing on Presbyterian Manors, Inc. facilities throughout Kansas, including certain facilities in the City of Salina. As part of the security for repayment of the Bonds, all of the financed facilities were subjected to the

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lien of the trust indenture, and subjected to certain restrictions on transfer or encumbrances, and easements. However, under the terms of the Lease, it is possible for the City of Wichita to consent to transfers, encumbrances and easements under certain conditions, at the request of the Tenant. Given the similarity of such matters to zoning and replatting matters that may also create or alter restrictions on use, the same basic procedures appear applicable by analogy to requests for replatting. In connection with some further development of its property in Salina, the Tenant has requested the City of Wichita to approve a proposed replatting of property at its Salina Facilities..

The Tenant has certified that the replatting will not be detrimental to the proper conduct of the Tenant's business in any manner or degree, and will not impair the effective use or interfere with the efficient and economical operation of the Salina Facilities and will not materially adversely affect the security pledged to the payment of the Bonds.

The replatting requested by the Tenant should further the Tenant's other development plans for its Salina Facilities, and should have no adverse impact on the security for the outstanding Bonds.

The City Attorney's Office has drafted an appropriate Resolution for Council action, and the Tenant has furnished the replatting instruments for review and approval, together with an appropriate certificate as to matters required to be certified by the Tenant. The City Attorney's Office has reviewed and approved the replatting documents as to form.

Motion--

--carried

Mayans moved that the Resolution approving the request of the Tenant to replat property at its Salina, Kansas Facilities be adopted; the execution authorized; the replatting documents attested and delivered substantially in accordance with the forms and the Resolution as exhibits. Motion carried 7 to 0.

RESOLUTION NO. 05-457

A resolution authorizing the execution and delivery of documents for the Replatting of Property at Presbyterian Manors, Inc.'s Salina, Kansas Facilities, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

AUBURN HILLS

TECHNICAL AND WATER RIGHTS CONSULTATION SERVICES FOR AUBURN HILLS. (DISTRICT V)

Agenda Report No. 05-0799

The City of Wichita irrigates Auburn Hills Golf Course by using an irrigation well on the premises. The term-permit for the well expires December 1, 2005. Development of a long-term irrigation water supply is needed. This process may last from one to three years, depending on decisions made by the State of Kansas, Department of Agriculture, Division of Water Resources. The process is highly technical and can be very time-intensive.

On June 13, 2005, a Request for Proposals was prepared to solicit firms to provide technical and water rights consultation services for Auburn Hills Golf Course. Three firms submitted proposals: Allied Environmental Consultants, CMD, and Burns & McDonnell. A Staff Screening and Selection Committee composed of representatives from Purchasing, the City Attorney's Office, Public Works, and Park and Recreation interviewed all three firms on August 11, 2005. After reviewing the proposals and the interviews, the committee recommended the selection of Burns and McDonnell for this project.

Currently, up to \$5,000 is spent annually on electricity and well maintenance to provide a water supply to irrigate Auburn Hills Golf Course. Other options to provide water for irrigation include the use of reclaimed water or treated City water. Both options would cost considerably more annually than using a well water – perhaps as much as \$150,000 more annually. The total cost for this work will not exceed \$52,654.00.

Motion--

--carried

Mayans moved that staff be directed to negotiate the contract; the necessary signatures authorized and the necessary budget transfers approved. Motion carried 7 to 0.

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SCHWEITER PARK SCHWEITER PARK IMPROVEMENTS. (DISTRICT I)

Agenda Report # 05-0800

Nine-acre Schweiter Park was acquired in 1946 and has undergone many changes over the years. The park suffered tornado damage in 2001 1998 which destroyed numerous trees and other improvements. The playground was totally renovated in 2003 at a cost of \$55,366.

Last year, the tennis courts were restored for temporary use, but are in need of total replacement. The neighborhood association met with Park and Recreation staff to discuss developed priorities. The Park and Recreation Department is in the preliminary design stages of developing a plan, which meets the overall needs and vision of the neighborhood for future development.

The existing tennis courts and basketball courts are in poor condition and are not properly located to best serve the neighborhood. A new park design will provide for more active use of areas closer to the Hillside and Harry Lincoln intersection, while passive recreation, such as the new playground and future shelter, will be located closer to the neighborhood at the southwest corner of the park. The replacement of the tennis courts and basketball court, parking lot and picnic shelter have been identified as a priority by the neighborhood. The development of other improvements, such as a perimeter pathway and expanded playground, will be based upon available funding.

The Capital Improvement Plan includes \$110,000 in funding for 2005 and \$400,000 in 2006 for a total of \$510,000 for park development. The funding source is general obligation bonds.

The Law Department has approved the bonding resolution as to form.

Motion--
--carried

Mayans moved that the bonding resolution be adopted; initiation of the project authorized and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-451

A Resolution authorizing the issuance of bonds by the City of Wichita at large for Labor, Material and Equipment for the removal and relocation of the Tennis Courts and Basketball Courts at Schweiter Park, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

WATSON PARK O.J. WATSON PARK. (DISTRICT III)

Agenda Report No. 05-0801

O.J. Watson Park is located at 3055 S. Old Lawrence Road. This former sand pit area, parcels for which were acquired in 1956 and 1958, has been landscaped and developed to provide a "water park" with fishing and boating facilities, train rides, pony rides, playground and picnic areas, and miniature golf.

On September 14, 2004, the City Council approved and authorized the initiation of funding to provide design services for O.J. Watson Park in the amount of \$60,000. The City's Request for Proposal (RFP No. 400112) was developed to select a consultant to design a new park entrance to the west of the park along McLean Boulevard and to enhance the area with landscaping. Additional proposed improvements include extending the train tracks and renovating/replacing the train and pony shelters.

The design consultant recommends a new entrance into the park from McLean Boulevard, expanded train ride, improvements to the pony barn and train shelter, and cosmetic improvements to the miniature golf course.

The 2006 Park CIP includes \$540,000 for construction and improvements for O.J. Watson Park. Additionally, \$200,000 in CIP funds approved for Garvey Park is proposed to be used to fund the Watson Park improvements. The funding source is general obligation bonds.

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The Law Department has approved the bonding resolution as to form.

Motion--
--carried

Mayans moved that the initiation of the project be approved and authorized; the bonding resolution amended and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-452

A Resolution amending Resolution NO. 04-466, and authorizing the issuance of bonds by the City of Wichita at large for the Design, labor, material, and equipment for Construction of a new park entrance, Miniature Golf course improvements, extending the train track and renovating the train and pony shelters at Watson park, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

GARVEY PARK

GARVEY PARK. (DISTRICT III)

Agenda Report No. 05-0802

Garvey Park is located at 3501 S. Washington. The site was acquired by the City of Wichita in 1998 to develop as a park and improve recreational opportunities in this area. On July 8, 2003, the City Council approved the development and construction of a canoe launch, restroom, bike path and paved parking area. These projects will soon be completed.

Additional site restoration projects are planned to further enhance recreational opportunities. The projects planned are erosion control, introduction of natural plant species into one of the last remaining sand dune habitats, and removal of athletic field lighting.

The Capital Improvement Program includes \$300,000 in 2005 for Garvey Park development. The funding source is general obligation bonds. Staff recommends using \$100,000 for the site restoration projects at Garvey Park. Staff recommends the remaining \$200,000 be transferred to the O.J. Watson Park CIP for the completion of improvements and modifications.

The Law Department has approved the bonding resolution as to form.

Motion--
--carried

Mayans moved that the bonding resolution be adopted; initiation of the project authorized; the transfer of funds to O.J. Watson Park CIP approved and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-453

A resolution authorizing the issuance of bonds by the City of Wichita at large for the labor, material and equipment for the removal of the athletic field lighting, erosion control and sand dune habitat improvements at Garvey Park, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

TRAILHEAD

GROVE PARK TRAILHEAD. (DISTRICT I)

Agenda Report No. 05-0803

The 2005-2014 Capital Improvement Program adopted by the City Council includes a project to construct a bike path trailhead in Grove Park.

The project will construct a landscaped resting area adjacent to an existing bike path that extends east to Chisholm Creek Park and along the K-96 Expressway. It will connect to a parking lot, rest rooms, drinking fountain and other Grove Park improvements.

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The estimated project cost is \$225,000 with \$65,000 paid by the City and \$160,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

The Law Department has approved the authorizing Resolution as to legal form.

Motion--
--carried

Mayans moved that the project be approved; the Resolution adopted and the signing of State/Federal agreements as required authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-454

A Resolution authorizing the issuance of bonds by the City of Wichita at large to construct a Bike Path Trailhead in Grove Park (472-84272), presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

GRANT PROGRAM

GATES PUBLIC ACCESS COMPUTER HARDWARE UPGRADE GRANT PROGRAM.

Agenda Report No. 05-0804

The Bill and Melinda Gates Foundation was founded in 1997 to bridge the "digital divide" between those who have access to computers and the Internet and those who lack such access. The program goal is to provide computers and Internet access to public libraries serving low-income communities in the U.S. and Canada. In 1999, the Wichita Public Library received two grants totaling \$98,860 to expand public access computing through a total of 35 workstations placed in the branch locations that qualified for funding. The Library has been notified by the Gates Foundation of its eligibility for a hardware upgrade program that would provide funding to replace an equal number of workstations in library facilities before now and the end of 2008.

Due in large part to the original Gates grants, the Library was able to expand public access computing into each of its library locations. In 2004, the Library provided more than 143,000 computer use sessions to its customers. A Technology Training Center was also created through the original grant. The last time the Wichita Business Journal ranked providers of computer training, the Library was listed as the second largest training provider. As information continues to become more widely available in electronic formats, it is essential that the Library continue to maintain, if not expand, public access computing as part of the department's service mix.

Alternatives: The Library relies heavily on private grants, federal subsidies and other non-general fund resources for the addition and maintenance of information technology for its customers. The Gates Foundation has indicated that Wichita Public Library may be selected to receive as much as \$54,000 through this upgrade program.

There are no matching funds required in order to qualify for this grant program. The Library proposes use of the funds to upgrade and replace the eligible public workstations on the same 36-48 month schedule now used for other City computer workstation replacements.

Motion--carried

Mayans moved that the Mayor be authorized to sign the grant application. Motion carried 7 to 0.

MERCHANT SERV.

MERCHANT SERVICES FEE SCHEDULE.

Agenda Report No. 05-0805

In October 2001, after a request for proposal process, the City Council awarded the City's merchant services contract to Bank of America. Due to required contract modifications, the actual transition to Bank of America did not occur until September 2002. Since that time, credit card usage has shown substantial growth. In 2003, OCI incorporated credit card usage into their business processes, and in 2004 the City began its first on-line payment processing for Police Records, and Interactive Voice Response payment processing for the Water Department. During 2005, on-line water payments were

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made available and it is anticipated that Court Payments and Business Licensing will be completed and available during the fourth quarter of this year.

The City currently has seventeen merchant services accounts under contract with Bank of America. Bank of America was selected in part, for it's available technology with on-line credit card and automated clearing account processing. In the initial contract negotiations, each of the merchant services accounts were negotiated separately based on ticket size, type of processing, and total volume. The City used it's overall account volume to negotiate lower fees. Since 2003, the City has increased credit card usage and invested substantial resources working with Bank of America to create end-to-end automated processing. The increased volume allows opportunity to renegotiate fees.

The chart below shows the overall fees for all of the City's combined merchant services accounts. Due to the current fee schedule, individual accounts may have fees in excess of 3% or well below the average of 2.8%. "Card not present" transactions are the most expensive (i.e. internet and phone). The table below shows how credit card usage has grown as the City has expanded its business processes to incorporate more on-line business. The current bundled rate on point of sale accounts is 1.86% and on Internet accounts it is 2.33%. In addition to the bundled rate, the total fee percentage includes numerous transaction fees for both Visa and MasterCard.

Year	2005 (est.)	2004	2003	2002
Number of Transactions	150,000	102,587	79,376	N/A
Dollars Processed	\$10,500,000	\$7,718,148	\$6,443,606	\$3,142,923
Merchant Fees	\$294,000	\$209,788	\$161,017	\$72,885
Percent of Transactions	2.80%	2.72%	2.50%	2.32%

Based on today's credit card volumes, a modification to the fee structure is needed to reduce the City's overall processing costs. A new fee structure is being introduced called Interchange Plus. This means that all of the City's merchant accounts will have the same per item fees. Interchange fees, dues and assessments will be passed through to the City at cost. It is estimated that this will reduce the overall transaction fee percentage to approximately 2.2%. This new structure should save the City approximately \$63,000 annually based on the estimated volume for 2005.

The agreement has been reviewed and approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the revised merchant services agreement fee schedule be approved and the necessary signatures authorized. Motion carried 7 to 0.

HOMELESS ASSIST. HOMELESS ASSISTANCE.

Agenda Report No. 05-0806

For the past several years the City of Wichita has participated in funding the winter emergency overflow shelter. This emergency shelter system was organized and coordinated by Inter-Faith Ministries, whereby several downtown area churches donated shelter space when the nighttime temperature fell below 30 degrees and other Wichita shelters were at capacity. Last year this system was replaced by issuing an RFP for one provider to offer overnight shelter under the same conditions.

Over the course of the past year, a community coalition including members of the Community Council on Homeless Advocacy and the Homeless Services Coalition, began planning a year-round alternative to winter emergency shelter. This alternative would serve the homeless population which is difficult to serve and for whom no shelter beds exist in the community. Much progress has been made however the permanent solution will not be available for the 2005-2006 winter.

Funding for the emergency shelter system has been equally shared between the City, Sedgwick County and the United Way. Sedgwick County and the United Way have indicated their willingness to jointly fund the 2005-2006 winter emergency overflow shelter, along with the City.

According to the most recent statistics, over 100 persons are without appropriate shelter on any given night in Wichita. During a one-night count in January 2005, over 80 persons were in the emergency shelter and as many as 30 more were on the streets.

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The City's funding source for this purpose, has been Community Services Block Grant (CSBG) funds. No General Funds have been used for this purpose and no General Funds are recommended at this time.

Prior to execution, the Law Department will review the contract between the City and the provider of winter emergency overflow shelter.

Motion--

Mayans moved that the use of \$12,500 of CSBG funds for the 2005-2006 winter emergency overflow shelter be approved; the City authorized to participate in the RFP process used to procure a service provider and the necessary signatures for the resulting contract authorized. Motion carried 7 to 0.

--carried

HUD, TAX TIME

EXCEPTIONS REQUEST TO HUD, TAX TIME, INC.

Agenda Report No. 05-0807

HUD Regulations at 24 CFR 570.489(h) very broadly and generally provide that no elected or appointed officials or employees of a unit of local government who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under that subpart or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.

Because the regulation is written so broadly, and because there is little interpretive guidance as to how it applies, it is prudent to seek specific HUD interpretative application on projects subject to the regulation, even where a potential conflict is tenuous or remote. The regulation allows for such requests, and authorizes potential exceptions in cases where the nature of a potential conflict is fully disclosed, the attorney for the local unit of government furnishes an opinion that there is no conflict that would violate state or local law, and the balance of all relevant considerations, including the degree to which the exception would further the purpose of the HUD assistance at issue, mitigate in favor of an exception.

The City has received an application for a Section 108 Biz Loan, submitted for Tax Time, Inc., a tax business, in which the principal applicant, Christopher Merchant, is a sibling of the City's Director of Finance. The Director of Finance also formerly held a stock ownership position in Tax Time, Inc., and worked in the business, but severed all ties with the business and transferred all her stock in October 2003. From and after that time, the City's Director of Finance has had no financial interest in Tax Time, Inc. The 108 Biz Loan application seeks a loan of \$75,000, of which, \$25,000 would be Section 108 funds. The ordinance governing the City's 108 Loan program provides that the loan documents are to be signed by the Director of Finance or the

Acting Director of Finance. As a result, the City's Director of Finance would have a ministerial role as signatory for the City in the transaction, although the evaluation of the application and the preparation of documents for the loan would be handled by staff of the City's Law Department and the City's Department of Housing and Community Services. Further, under the structure of the City's Section 108 Loan program, the Biz Loan (even if it otherwise meets program criteria) will not occur unless a private bank independently approves a \$50,000 matching loan and shares collateral on a parity with the City, based on the bank's independent evaluation of the borrower's collateral and credit-worthiness. There is no conflict of interest problem under state or local law, because "substantial interests" are not imputed through siblings under the local government ethics statutes, and the loan will further the purpose of the 108 Loan program if the applicant is otherwise found to meet program criteria.

With respect to the Section 108 Biz Loan, the involvement of the City's Director of Finance is largely formal, and the substantive evaluation of the application, together with the creation of any transaction documents, would be handled by staff of other City departments and by the private bank providing the matching loan. There is no conflict under state or local law, and HUD approval of the project would seem to further the respective purposes of the programs at issue.

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Costs of contacting HUD to request approval or exception for the proposed project will be minimal, consisting primarily of staff time and postage.

Because 24 CFR 570.489 is written in such broad and general terms, the City should follow the HUD procedure to make sure there are no problems proceeding with the proposed Section 108 Biz Loan at issue. The project appears to have some potential for HUD approval, and would not involve any conflict-of-interest violation under state or local law.

Motion--

--carried

Mayans moved that the Law Department be directed to seek HUD concurrence that a proposal for a Section 108 Biz Loan to Tax Time, Inc. either does not contravene 24 CFR 570.489, or should be granted an exception under such regulation. Motion carried 7 to 0.

HUD, 13TH /GROVE

EXCEPTIONS REQUEST TO HUD, 13TH STREET AND GROVE GROCERY STORE. (DISTRICT I)

Agenda Report No. 05-0808

HUD Regulations at 24 CFR 570.489(h) very broadly and generally provide that no elected or appointed officials or employees of a unit of local government who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under that subpart or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.

Because the regulation is written so broadly, and because there is little interpretive guidance as to how it applies, it is prudent to seek specific HUD interpretative application on projects subject to the regulation, even where a potential conflict is tenuous or remote. The regulation allows for such requests, and authorizes potential exceptions in cases where the nature of a potential conflict is fully disclosed, the attorney for the local unit of government furnishes an opinion that there is no conflict that would violate state or local law, and the balance of all relevant considerations, including the degree to which the exception would further the purpose of the HUD assistance at issue, mitigate in favor of an exception.

The 13th & Grove Grocery Store project, as to which the City seeks to provide a CDBG loan guarantee for gap financing in the amount of \$644,000 plus interest for 24 months. Commercial Federal Bank will provide the gap loan to be guaranteed, and hence, in the event that the gap loan defaults Commercial Federal could receive the unpaid balance of the gap loan plus interest from CDBG funds. Commercial Federal was approached for the financing by the developer because the developer, James Arbertha, has developed a banking relationship with Commercial Federal through his housing projects. The need to procure HUD interpretive guidance arises only because of the potentially broad sweep of the HUD regulation and because Rolando

Mayans, a sibling of the City's Mayor, serves as a Vice President of Commercial Lending at Commercial Federal. Rolando Mayans will have no personal funds involved in the loan, and the benefit to Commercial Federal (security for its loan) is no greater than the bank could have achieved by making its loan to a more secure project. A different bank officer, Vice President Jim Bothner, will sign for the bank on the loan guarantee documents with the City. There is no conflict of interest problem under state or local law, and the loan guarantee furthers the purpose of the CDBG program by helping the project to secure a loan that would otherwise be unavailable.

Analysis: With respect to the CDBG loan guarantee, there is no direct personal financial benefit to either the Mayor or the bank officer to whom he is related. The bank's actual receipt of CDBG funds would be contingent upon default by the borrower, and absent such default, the benefit to the bank (i.e., security needed to induce its loan) is no greater than the bank could have achieved simply by loaning its funds to a different borrower with better collateral. There is no conflict under state or local law, and

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HUD approval of the proposed assistance for the project would seem to further the purpose of the CDBG program.

Costs of contacting HUD to request approvals or exceptions for the proposed projects will be minimal, consisting primarily of staff time and postage.

Because 24 CFR 570.489 is written in such broad and general terms, the City should follow the HUD procedure to make sure there are no problems proceeding with the proposed CDBG loan guarantee. The proposed assistance appears to have good potential for HUD approval, and would involve no conflict of interest violation under state or local law.

Motion--

Mayans moved that the Law Department be directed to seek HUD concurrence that a proposed loan guarantee for the 13th Street & Grove Grocery Store project either does not contravene 24 CFR 570.489, or should be granted an exception under such regulation. Motion carried 7 to 0.

--carried

CHDO GRANTS

CHDO OPERATING GRANTS. (DISTRICTS I, III, IV, V AND VI)

Agenda Report No. 05-0809

On March 8, 2005, the City Council approved final allocations under the 2005-2006 Consolidated Plan, which included \$91,310 of HOME Investment Partnerships Program (HOME) funds for operational support funding for City-designated Community Housing Development Organizations (CHDO's). HOME regulations require a CHDO to be under contract to receive HOME funding for investment in housing to be developed, sponsored, or owned by the organization, in order to receive operational support funding. Operating expenses are defined as reasonable and necessary costs for the operation of the CHDO. Operating expenses may include salaries, wages, and other employee compensation and benefits. Expenses for education, training, travel, rent, utilities, communications costs, taxes, insurance equipment, materials and supplies are also eligible.

Applications were issued to four City-designated CHDO's receiving project development funding from the City's HOME program. Funding applications were received from three organizations: Mennonite Housing Rehabilitation Services, Inc., Power CDC, Inc., and Community Housing Services of Wichita/Sedgwick County.

A staff review panel evaluated the proposals and makes the following recommendations for funding:

Mennonite Housing Rehabilitation Services (MHRS), \$37,500, in order to provide operational support for the organization's 2005 and 2006 Local Investment Area (LIA) Single-Family Development Projects. Current operational funding is being utilized to partially fund the salary of MHRS' project coordinator. The project coordinator works to identify project sites and potential homebuyers, assists buyers in obtaining permanent financing, and resolves pre-development issues.

During the 2004-2005 program year, MHRS completed construction and re-sale of 17 new homes within the City's LIA's, utilizing CHDO set-aside funding, the Boarded-up HOME Program, and funding provided under the Housing Development Loan Program. MHRS plans to develop 25 single-family homes during the 2005-2006 program year.

Power CDC, \$37,129, in order to provide operational support for the organization's 2005 and 2006 Single-Family Housing Development Projects in the Northeast Local Investment Area, including the McAdams neighborhood and the Millair Creek subdivision. Operational funding will be utilized to partially fund the salaries of the Executive Director and the Administrative Assistant.

During the 2004-2005 program year, Power CDC completed construction and re-sale of eight homes utilizing CHDO set-aside funding, the Boarded-up HOME Program, and funding provided under the Housing Development Loan Program. Power CDC plans to develop nine single-family homes during the 2005-2006 program year.

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Community Housing Services (CHS), \$16,681, in order to provide operational support in connection with the organization's 2004, 2005 and 2006 HOME funding allocations for the renovation/re-sale of single-family homes acquired in the Northeast and North Central Local Investment Areas, including the construction of 3 homes in the 1400 block of North Vassar. Operational funding will be utilized by CHS to partially fund the salaries of various staff members involved in HOME-funded housing development projects, and ultimately, the salary of a construction project coordinator.

During the 2004-2005 program year, CHS completed rehabilitation/re-sale of one home under a CHDO set-aside funding agreement, and completed rehabilitation or construction of three homes that are currently listed for sale. CHS plans to develop four single-family homes during the 2005-2006 program year.

Funding for these allocations will come from the 2005-2006 HOME Grant, as previously allocated by the City Council. Funding allocations are based on planned housing production for the 2005-2006 program year.

Funding agreements have been approved as to form by the City Law Department.

Motion--
--carried

Mayans moved that the recommended allocations and the funding agreements be approved and the necessary signatures authorized. Motion carried 7 to 0.

HOME FUNDS

ALLOCATION OF HOME FUNDS; DEFERRED LOAN PROGRAM AND HOME ADMINISTRATION.

Agenda Report No. 05-0810

On March 8, 2005, the City Council allocated \$300,000 in HOME Investment Partnerships Program (HOME) funding for the Deferred Loan Program, as part of the 2005-2006 Consolidated Plan funding process. The Deferred Loan Program is administered by the Housing and Community Services Department, and is designed to preserve homeownership in the City's Local Investment Areas (LIAs) by providing low-income owner-occupant homeowners (50% of median income or less) with 0% deferred loans for the rehabilitation of their homes. In addition, the City Council allocated \$182,620 in HOME funding for administration of the City's HOME Program. The HOME Program administration budget includes staff salaries, benefits, indirect administrative charges, Information /Technology Department charges, travel and training expenses, audit costs, and other expenses associated with management of the City's HOME Program.

Additional funding for HOME program activities has become available as a result of loan repayments and other program income received from closed projects. Housing and Community Services is requesting allocation of an additional \$105,000 for the Deferred Loan Program. There is currently a waiting list for families seeking assistance through the program, and the additional funding will enable Housing and Community Services to address some of these requests. Further, during the 2004-2005 program year, the HOME Program expended \$454,346.40 in program income. HOME Program regulations permit the City to retain 10% of program income expenditures for HOME Program administration expenses. Housing and Community Services is requesting allocation of \$45,434.40 in funding for HOME Program administration.

Funding is available due to the receipt of HOME program income from loan payments and closed projects.

This funding allocation does not meet the criteria for a Substantial Amendment as defined in the City's Consolidated Plan because the Deferred Loan Program is not a new activity. The Deferred Loan Program is administered in accordance with HOME program regulations. HOME Program regulations permit the City to retain 10% of program income expenditures for HOME Program administration expenses.

Motion--
--carried

Mayans moved that the allocation of HOME funding for the Deferred Loan Program and HOME Program administration be approved. Motion carried 7 to 0.

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CORRECTED RESOL. CORRECTED RESOLUTION: SANITARY SEWER MAIN BENEFIT FEE FOR REED'S COVE THIRD ADDITION, SOUTH OF 21ST STREET, EAST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 05-0811

On June 21, 2005, the City Council approved a Petition and Resolution to assess a sewer main benefit fee to Reed's Cove 3rd Addition. The City's Bond Counsel has advised that the Resolution form used at that time should be updated to ensure compliance with State Statutes.

A revised Resolution has been prepared.

The project budget is unchanged.

State Statutes provide the City Council authority to assess sanitary sewer main benefit fees to property that is served by a sewer main but was not included in the improvement district.

Motion--
--carried

Mayans moved that the Resolution be adopted and the necessary signatures authorized.
Motion carried 7 to 0.

RESOLUTION NO. 05-455

Resolution of findings of advisability and Resolution authorizing the benefit fee for Main 14B, Four Mile Creek Sewer (south of 21st, east of 127th street east) 468-84034 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

CORRECTED RESOL. CORRECTED RESOLUTION: SANITARY SEWER MAIN BENEFIT FEE FOR WHISTLING WALK ESTATES ADDITIONS, SOUTH OF 13TH STREET, WEST OF 119TH STREET WEST. (DISTRICT V)

Agenda Report No. 05-0812

On May 3, 2005, the City Council approved a Petition and Resolution to assess a sewer main benefit fee to Whistling Walk Estates Additions. The City's Bond Counsel has advised that the Resolution form used at that time should be updated to ensure compliance with State Statutes.

A revised Resolution has been prepared.

The project budget is unchanged.

State Statutes provide the City Council authority to assess sanitary sewer main benefit fees to property that is served by a sewer main but was not included in the improvement district.

Motion--
--carried

Mayans moved that the Resolution be adopted and the necessary signatures authorized.
Motion carried 7 to 0.

RESOLUTION NO. 05-456

Resolution of findings of advisability and Resolution authorizing benefit fee Main 4, Northwest Interceptor Sewer (south of 13th, west of 119th street west) 468-84006 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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UNFINISHED BUSINESS

DR2005-00023

DR2005-00023-INITIATE APPLICATION FOR ZONE CHANGE FROM LIMITED INDUSTRIAL TO CENTRAL BUSINESS DISTRICT FOR AREA GENERALLY LOCATED BETWEEN ST. FRANCIS AVENUE, WILLIAM STREET, BNSF RAILROAD RIGHT-OF-WAY, ONE-HALF BLOCK EAST OF COMMERCE STREET AND KELLOGG. (DISTRICT I) (DEFERRED AUGUST 23, 2005)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 05-0813

MAPC Recommendations: Not applicable.

MAPD Staff Recommendations: Wichita City Council should initiate a general revision of the zoning in the area shown on Exhibit "A" to "CBD" Central Business District.

DAB Recommendations: Not applicable.

The Arena Neighborhood Redevelopment Plan Area includes an area currently zoned "LI" Limited Industrial. The "LI" zoning district precludes residential use and is not designed to allow the uses typically found in the vicinity of a major cultural facility such as an arena. "LI" zoning is intended for industrial use and complimentary commercial uses. The "LI" zoned area is bounded by St. Francis Ave. on the west, William St. on the north, the BNSF railroad right-of-way located one-half block east of Commerce St. on the east and the Kellogg freeway and off-ramp on the south.

The Unified Zoning Code provides that the "Governing Body may initiate a zone change request with or without an application from the property owners" (Unified Zoning Code Art. V, Sec. V-A.1). All notice requirements except written (mailed) notice to individual property owners apply for general revisions of the Unified Zoning Map processed under this provision.

"CBD" Central Business District zoning offers several improvements to lay the groundwork for implementation of the Arena Neighborhood Redevelopment Plan Area. First, it eliminates some potential Conditional Uses that are incompatible intensive mix of uses desired in a downtown core area and in the vicinity of major cultural facilities. Examples of industrial, manufacturing and extractive uses prohibited by right or not allowed as a Conditional Use in "CBD" are gas and fuel storage, freight terminal, and wrecking/salvage yard.

Instead, "CBD" allows all residential uses except manufactured housing. Current trends to redevelop lofts and office buildings with residential use would be a use by right.

"CBD" also removes the off-site parking requirements to allow flexibility in developing shared parking facilities to serve multiple parking needs, eliminates building setbacks to allow zero-lot setbacks in character with traditional downtown development and compatible with the trends in loft/apartment uses, eliminates height restrictions to allow higher intensity use that reinforces the viability and liveliness of the downtown area.

The item has been reviewed and approved as to form by the Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Brewer moved that the MAPD be directed to initiate a general revision to the Unified Zoning Code per Exhibit "A".

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Council Member Martz Council Member Martz stated that he would like to state for the record that he is supportive of this and that after the workshop he received a number of e-mails that were improperly directed and would like to clear the record. Stated that when this issue came up, he was not blocking anything but rather deferring action solely because he wanted to see if there would be any potential liability hazard that could come about. Stated that he wanted to check with staff to make sure that by making a zoning change like this, that they would not be subjecting themselves to any undue liability that we could have. Stated that he is convinced that this is the best way to take care of this situation to protect the citizens and is very supportive of this issue.

--carried

Motion carried 7 to 0.

DR2005-00024

DR2005-00024-INITIATE APPLICATION FOR ZONE CHANGE FROM LIMITED INDUSTRIAL TO CENTRAL BUSINESS DISTRICT FOR AREA GENERALLY LOCATED BETWEEN SECOND STREET NORTH, I-135, APPROXIMATELY 200 FEET SOUTH OF DOUGLAS AVENUE, BETWEEN I-135 AND HYDRAULIC AVENUE, HYDRAULIC AVENUE, WATERMAN STREET, BNSF RAILROAD RIGHT-OF-WAY, DOUGLAS AVENUE AND WASHINGTON AVENUE. (DISTRICT I)
(DEFERRED AUGUST 23, 2005)

John Schlegel

Planning Director reviewed item.

Agenda Report No. 05-0814

MAPC Recommendations: Not applicable.

MAPD Staff Recommendations: Wichita City Council should initiate a general revision of the zoning in the area shown on Exhibit "A" to "CBD" Central Business District.

DAB Recommendations: Not applicable.

This area is currently zoned "LI" Limited Industrial, but is located at the fringe of the expanding downtown core and Old Town Overlay District where demand is growing for mixed use development offering a place for both living and working. Typical uses include loft apartments, restaurants, theaters, offices, and retail uses. The "LI" zoning district precludes residential use, which eliminates mixed use development seeking to expand within the area. Further, "LI" zoning is intended for industrial use and complimentary commercial uses located that are incompatible with the mixed use development concept. The "LI" zoned area is bounded on the north by 2nd Street North, on the east by I-135, on the south by the row of lots south of Douglas Ave. between I-135 extending west to Hydraulic Ave., then bounded on the east by Hydraulic Ave., bounded on the south by Waterman St., on the west by the BNSF railroad right-of-way, then bounded on the north by Douglas Ave. and bounded on the west by Washington Ave. to 2nd Street North.

The Unified Zoning Code provides that the "Governing Body may initiate a zone change request with or without an application from the property owners" (Unified Zoning Code Art. V, Sec. V-A.1). All notice requirements except written (mailed) notice to individual property owners apply for general revisions of the Unified Zoning Map processed under this provision.

"CBD" Central Business District zoning allows all residential uses except manufactured housing. Current trends to redevelop lofts and office buildings with residential use would become a use by right, which would encourage the expansion of the urban core with mixed use development from its current edge in the Old Town Overlay District eastward to I-135. Also, "CBD" eliminates some potential Conditional Uses of the "LI" district that are incompatible with the intensive mix of uses desired in a downtown core area. Examples of industrial, manufacturing and extractive uses prohibited by right or not allowed as a Conditional Use in "CBD" are gas and fuel storage, freight terminal, and wrecking/salvage yard.

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“CBD” also removes the off-site parking requirements to allow flexibility in developing shared parking facilities to serve multiple parking needs, eliminates building setbacks to allow zero-lot setbacks in character with traditional downtown development and compatible with the trends in loft/apartment uses, eliminates height restrictions to allow higher intensity use that reinforces the viability and liveliness of the downtown area.

The item has been reviewed and approved as to form by the Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Brewer moved that the MAPD be directed to initiate a general revision to the Unified Zoning Code per Exhibit “A”. Motion carried 7 to 0.

NEW BUSINESS

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES. (DISTRICTS I AND VI)

Kurt Schroeder

Office of Central Inspection reviewed the item.

Agenda Report No. 05-0815

On August 2, 2005 a report was submitted with respect to the dangerous and unsafe conditions on the properties below. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on September 13, 2005.

On July 11, 2005, the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

<u>Property Address</u>	<u>Council District</u>
a. 305 North Madison	I
b. 1304 North Piatt	I
c. 1308 North Piatt	I
d. 1308 ½ North Piatt	I
e. 2821 East 13th Street N.	I
f. 1858 North Pennsylvania	I
g. 2444 North Minnesota	I
h. 2234 North Shelton	VI

Pursuant to State Statute, the Resolutions were duly published twice on August 4, 2005, and August 11, 2005. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

Kurt Schroeder

Office of Central Inspection stated that two owners have signed in today for the properties located at b) 1304 North Piatt, c) 1308 North Piatt, d) 1308 ½ North Piatt and g) 2444 North Minnesota and are requesting an extension of time to complete the repairs to these properties. However, the property owner for the three properties located on North Piatt, b, c and d, has left and is not present at this time.

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- Motion-- Brewer moved that the public hearing be closed; the resolutions declaring the buildings dangerous and unsafe structures adopted and the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures accepted. Any extensions of time granted to repair the structures would be contingent on the following: (1) All taxes have been paid to date, as of September 13, 2005; (2) the structures have been secured as of September 13, 2005 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of September 13, 2005 and will be so maintained during renovation for the properties located at a) 305 North Madison; b) 1304 North Piatt; c) 1308 North Piatt; d) 1308 ½ North Piatt; e) 2821 East 13th Street North; f) 1858 North Pennsylvania and h) 2234 North Shelton. Motion carried 7 to 0.
- David Williams Mr. Williams stated that he is the owner of the property located at g) 2444 North Minnesota and that he will need an additional 60 days to complete the repairs. Stated that the foundation is very solid and at the time he was going through a divorce and was unable to do anything to the property until the divorce was settled.
- Council Member Brewer Council Member Brewer asked Mr. Williams when he could pay the \$1313.00 in back taxes and assessments that are due.
- David Williams Mr. Williams stated that he could have them paid in three weeks.
- Motion-- Brewer moved that on the property located at g) 2444 North Minnesota, that the back taxes and assessments be paid within three weeks and that he be given 90 days to perform the necessary repairs with the guidance of Central Inspection and if these are not taken care of that we proceed with staff's recommendation. Motion carried 7 to 0.
- carried

RESOLUTION NO. 05-458

A resolution finding that the structure/s located on Lot 10, Roll's Addition to Wichita, Sedgwick County, Kansas, commonly known as 305 North Madison, is/are unsafe or dangerous and directing the structure/s to be removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-459

A resolution finding that the structure/s located on Lots 41, 43, 45 and 47, on Guy, now Piatt Avenue, Eleventh Street Addition to Wichita, Sedgwick County, Kansas, commonly known as 1304 North Piatt, is/are unsafe or dangerous and directing the structure/s to be removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-460

A resolution finding that the structure/s located on Lots 41, 43, 45, and 47, on Guy, now Piatt Avenue, Eleventh Street Addition to Wichita, Sedgwick County, Kansas, commonly known as 1308 North Piatt, is/are unsafe or dangerous and directing the structure/s to be removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-461

A resolution finding that the structure/s located on Lots 41, 43, 45, and 47, on Guy, now Piatt Avenue, Eleventh Street Addition to Wichita, Sedgwick County, Kansas, commonly known as 1308 ½ North Piatt, is/are unsafe or dangerous and directing the structure/s to be removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-462

A resolution finding that the structure/s located on the West Half of Lots 1, 3, 5, and 7, on Erie Avenue, Fairmount Park Addition to Wichita, Sedgwick County, Kansas, commonly known as 2821 East 13th Street North, is/are unsafe or dangerous and directing the structure/s to be removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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RESOLUTION NO. 05-463

A resolution finding that the structure/s located on Lots 2 and 4, and half vacated alley on the east, on Pennsylvania Avenue, Karr's Addition to Wichita, Sedgwick County, Kansas, commonly known as 1858 North Pennsylvania, is/are unsafe or dangerous and directing the structure/s to be removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-464

A resolution finding that the structure/s located on Lot 7, Block 7, J. Walter Ross Addition to Wichita, Sedgwick County, Kansas, commonly known as 2444 North Minnesota, is/are unsafe or dangerous and directing the structure/s to be removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-465

A resolution finding that the structure/s located on Lots 1 and 3, on Shelton Avenue, Crawford Addition to Wichita, Sedgwick County, Kansas, commonly known as 2234 North Shelton, is/are unsafe or dangerous and directing the structure/s to be removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

WER SYSTEM

WICHITA EMPLOYEES' RETIREMENT SYSTEM, PROPOSED REVISION OF CITY CODE SECTION 2.28.180 TO CLARIFY DEATH AND SURVIVOR BENEFITS.

Kelly Carpenter

Director of Finance reviewed the item.

Agenda Report No. 05-0816

The Wichita Employees' Retirement System provides survivor benefits in the event of either the death of a Retiree or an Employee. A recent situation raised a question regarding the amount of the benefit due the surviving spouse of a Retiree.

Currently, Section 2.28.180 of the City Code states that in the event of the death of a retired member who leaves a surviving spouse and no minor children, the surviving spouse is to receive a monthly benefit "equal to fifty percent of the monthly benefit being paid to such member at the time of the such member's death". In the recent situation, the retiree at the time of his death was receiving less than the retirement benefit that was calculated at the retirement, due to a required reduction for repayment of a worker's compensation award.

Under City Code Section 2.28.290, the Retirement Board is authorized to resolve any questions of eligibility under the System's Ordinances. The Board, at its May 18, 2005 meeting, determined that the intent of the ordinance was to grant a qualifying surviving spouse a benefit that was equal to fifty percent of the retiree's benefit that was calculated at the time of the retiree's initial retirement date, adjusted for post retirement adjustments. The Board instructed the Law Department to draft an Ordinance revision to clarify the benefit.

The proposed Ordinance revision adds the provision that the benefit the surviving spouse receives shall in no event be less than fifty percent of the retiree's benefit calculated at the time of the retiree's retirement, as adjusted over time for post retirement adjustments.

There are no costs associated with this action.

The Law Department has approved the proposed ordinance revisions as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

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Motion--
--carried

Mayans moved that the Ordinance revising City Code Section 2.28.180 be placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Section 2.28.180 of the Code of the City of Wichita, Kansas, pertaining to death and survivor benefits in the event of the death of a retiree and repealing the originals of said sections, introduced and under the rules laid over.

POWER CDC PLAN

PUBLIC HEARING AND ADOPTION OF POWER CDC REDEVELOPMENT PROJECT PLAN. (DISTRICT I)

Allen Bell

Director of Economic Development reviewed the item.

Agenda Report No. 05-0817

On June 3, 1997, the City Council established the Northeast Redevelopment District for the purpose of utilizing tax increment financing ("TIF") to finance eligible improvements located within the district. The action taken by the City Council set 1997 as the base year, from which the increase in property tax revenues (the tax increment) will be measured. On October 21, 2003, the City Council adopted an ordinance reducing the boundaries of the Redevelopment District to the area of the north side of 13th Street between Grove and Poplar.

In order for the County Treasurer to capture the tax increment and remit it to the City, the City Council must adopt a redevelopment project plan that describes the district and the projects to be financed with TIF, and also sets forth the financial feasibility of the TIF revenues to finance the TIF-eligible improvements. On August 2, 2005, the City Council adopted a resolution stating it will consider the adoption of a redevelopment project plan for the Power CDC Grocery Store Project on September 13, 2005 and directed the City Clerk to give notice that a public hearing will be held on that date.

State law directs the City to prepare redevelopment project plans "in consultation with the planning commission of the city." On August 25, 2005, the Wichita-Sedgwick County Metropolitan Area Planning Commission met to consider the Power CDC Grocery Store Redevelopment Project Plan and found that the Plan is consistent with the general comprehensive plan for development of the City.

The financial feasibility study contained in the Redevelopment Project Plan examines the projected change in assessed valuation of the property located within the Northeast Redevelopment District from the base year (1997) to the year in which planned redevelopment projects will be fully reflected in the County's database of property values (2007). The following table summarizes the revenue side of the analysis:

1997	Base Year	2007 Projected
Appraised Value	\$71,840	\$1,350,000
Assessed Value	\$11,567	\$337,500
Captured Value	\$0	\$325,933
2004 Mill Levy		111.887
Annual Tax Increment	\$0	\$36,468

The analysis assumes that only the project which is currently planned will be constructed, that assessed property values in the district will remain unchanged once the planned developments are completed, and that the City/County/School District mill levy will not increase or decrease. The analysis shows that the stream of projected tax increment revenues will be sufficient to retire the principal and interest on a \$375,000 general obligation tax increment bond issue over a fifteen-year period at current interest rates.

The plan for redevelopment of the Northeast area consists of the acquisition of the real property located within the Project Area, the demolition and removal of the existing structures from the real property and the construction of an approximately 15,000 sq. ft. Save-A-Lot grocery store and associated

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infrastructure and landscaping. The Project Area for the Power CDC Grocery Store Project is the entire area of the Northeast Redevelopment District.

USE OF TAX INCREMENT FINANCING

Upon adoption of the redevelopment project plan, the City will have established its authority under state law to issue general obligation bonds to finance the TIF-eligible improvements, which bonds will be repaid from the incremental increase in property taxes resulting from the redevelopment of the Project Area. The TIF-eligible improvements consist of the following:

Land acquisition	\$240,127.65
Demolition	26,022.83
Site Improvements	53,468.14
Other Site Costs	30,381.38

Total TIF-eligible costs \$350,000.00

DEVELOPMENT AGREEMENT

In addition to the financial feasibility study and descriptive information, the Redevelopment Plan includes a draft development agreement between the City and Power CDC (see Tab 6, Plan Documents). The Development Agreement calls for the construction of the Project pursuant to the requirements of the Build-to-Suit Lease between Power CDC and BR&D, Inc., the operator of the proposed Sav-A-Lot Grocery Store.

The Development Agreement identifies the City's TIF contribution to this project and limits City reimbursements to TIF eligible costs. The Development Agreement also provides for the City's use of future CDBG allocations to fund a guarantee for a short-term bank loan to Power CDC needed to fill a gap in project funding. Any payments made by the City pursuant to the guarantee will be recorded as a lien against the Project property.

It is anticipated that the projects funded with tax increment financing will be financed with general obligation bonds. In the event that tax increment revenues fall short of projections, City at large funding will be required to supplement tax increment revenues.

The Law Department has reviewed and approved the ordinance and development agreement, as to form. An ordinance is required for the adoption of a redevelopment project plan under the state tax increment financing statutes. In order to adopt the redevelopment plan, a two-thirds majority must approve the ordinance. Once adopted, the City Clerk must forward copies of the ordinance to the County Clerk, County Treasurer and County Appraiser.

The notice for a public hearing on the City's intent to adopt the redevelopment plan has been given pursuant to law. However, the publication of the notice in the City's official newspaper failed to take place as planned. The notice will be published on September 9, 2005. The Law Department recommends continuation of the public hearing and final action to approve the Redevelopment Project Plan on September 20, 2005.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Brewer moved that the public hearing be continued until September 20, 2005; the ordinance adopting the Power CDC Grocery Store Redevelopment Project Plan be placed on first reading; the development agreement approved and the bonding resolution adopted and the necessary signatures authorized..

--carried

Motion carried 7 to 0.

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RESOLUTION NO. 05-466

A resolution authorizing the issuance of full faith and credit tax increment bonds of the City of Wichita, Kansas to pay all or a portion of the costs of acquiring of real property, demolition of existing structures, and design and construction of a surface parking lot, paving, fencing, landscaping and site improvements at the Power CDC Grocery Store Redevelopment Project Area, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

ORDINANCE

An Ordinance adopting a Redevelopment Project Plan for the Power CDC Grocery Store Redevelopment District, introduced and under the rules laid over.

HUD CONSOL. PLAN HUD CONSOLIDATED PLAN ANNUAL PERFORMANCE AND EVALUATION REPORT.

Mary K. Vaughn Director of Housing and Community Services reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Report No. 05-0818

The City is required to prepare a Consolidated Annual Performance and Evaluation Report (CAPER) for projects covered by the HUD Consolidated Plan. The CAPER documents the activities undertaken during the program year beginning July 1, 2004 and ending June 30, 2005 for the Community Development Block Grant (CDBG), the HOME Investment Partnerships (HOME) and the Emergency Shelter Grant (ESG) programs.

During the reporting period, residents of the City of Wichita received direct benefits from the provision of CDBG, HOME and ESG funds. CDBG provided funding for fourteen capital improvement projects. Neighborhood Improvement Services provided grants and loans to homeowners for the rehabilitation of 247 residential structures and 23 neighborhood clean-ups were conducted. Public Service agencies received funds to assist youth in employment and enrichment programs and to serve victims of domestic violence. The HOME program assisted 51 households to secure affordable housing and nine households received rehabilitation assistance through the Deferred Loan Program. The ESG program provided services to 5,135 persons (cumulative) by providing short-term shelter, case management and other services to homeless persons and victims of domestic abuse. An executive summary of the HUD Consolidated Annual Performance and Evaluation Report is included in the Agenda Report.

The total expenditures for the 2004/2005 program year were \$7,197,749. The expenditures consist of \$4,082,966 for the CDBG program, \$2,984,927 for HOME Investment Partnerships program and ESG expenses were \$129,856.

The City is required to provide an opportunity for citizens to review and comment on the CAPER prior to submitting the CAPER to the U.S. Department of Housing and Urban Development (HUD). On August 25, 2005, the City published a notice in the Kansas State Globe and on August 26, 2004 in the Wichita Eagle advising that public comments would be accepted until September 9, 2005. The CAPER was made available to the public through the Neighborhood City Halls, Housing and Community Services Department, Planning Department, City Council Office, City Manager's Office, City of Wichita website and all branches of the Wichita Public Library. No comments were received.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Mayans moved that the HUD Consolidated Annual Performance and Evaluation Report be approved; the Public Hearing closed and submission to the U.S. Department of Housing and Urban Development authorized. Motion carried 6 to 0, (Skelton absent).
--carried

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DR2004-000016

DR2004-000016-CENTRAL NORTHEAST AREA PLAN UPDATE, GENERALLY LOCATED EAST OF MOSLEY, WASHINGTON AND MEAD, NORTH OF KELLOGG AND CENTRAL, WEST OF EDGEMOOR, PINECREST, PARKWOOD, OLD MANOR, HILLSIDE AND OLIVER AND SOUTH OF 21ST STREET, 17TH STREET AND THE UNION PACIFIC RAILROAD. (DISTRICT I)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 05-0819

In November 1995, following extensive community involvement and technical analysis, the City completed the Northeast Area Plan, entitled Rediscovering Community: Exploration of a Place and its Promise. This plan addressed numerous community redevelopment and revitalization issues for several low to moderate-income neighborhoods located in central northeast Wichita. The Plan contained over 90 recommended strategies to achieve positive long-term change.

In late 2004, citizens in central northeast Wichita approached the City with an interest in revisiting the redevelopment and revitalization strategies identified in the 1995 Northeast Area Plan. Their desire was to update the plan as needed in order to achieve long-term area redevelopment and revitalization successes in central northeast Wichita.

In early January 2005, the City began working with a 22-member Steering Committee comprised of key area stakeholders and neighborhood representatives to evaluate the relevance of the goals outlined in the 1995 Plan, and to identify priorities and action items for future implementation. The Plan area is bounded irregularly by Mosley, Washington, and Mead to the west; Kellogg and Central to the south; Edgemoor, Pinecrest, Parkwood, Old Manor, Hillside, and Oliver to the east; and 21st, 17th, and the Union Pacific Railroad to the north.

Eleven Steering Committee meetings and two public meetings have been held at the Atwater Community Center since the beginning of this year, to review and update the Plan. The Central Northeast Area Plan Steering Committee feels that they have developed an updated plan that has broad-based support from neighborhood associations and City officials.

The Plan Update has been reviewed and unanimously endorsed by the DAB I on July 11th and the MAPC on August 11th.

The following is a summary of the Central Northeast Area Plan Update.

- q A revised and updated vision statement that reflects the vision for the future of the Central Northeast Area.
- q A strategic approach that establishes the following 11 area plan priorities.
 - 1. Increase neighborhood capacity
 - 2. Housing repair
 - 3. Neighborhood clean-up
 - 4. Neighborhood Watch and community safety
 - 5. Enhanced neighborhood-shopping opportunities
 - 6. Retain and attract new businesses and jobs
 - 7. Improve the quality of life for area children
 - 8. New home construction on vacant lots
 - 9. Initiate a neighborhood and personal pride campaign
 - 10. Improve neighborhood infrastructure
 - 11. Improve area recreation opportunities

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q Forty-three detailed implementation actions to help achieve the 11 plan priorities.

Alternatives: Two options are available to the City Council now that the Metropolitan Area Planning Commission has adopted the Central Northeast Area Plan Update as an amendment to the Wichita-Sedgwick County Comprehensive Plan:

- a) Approve first reading of the Ordinance adopting the Central Northeast Area Plan Update as an amendment to the Comprehensive Plan;
- b) Others actions deemed appropriate by the Council.

While the act of plan adoption involves no funding commitment on the part of the City, the plan does propose physical improvements throughout the Central Northeast Area that would be eligible for funding through GO or CDBG sources. These improvements would have to be programmed into the City's CIP in the context of Citywide physical improvement projects and priorities.

The Metropolitan Area Planning Commission, in accordance with Kansas state statutes, held a public hearing for the proposed Central Northeast Area Plan Update on August 11, 2005, with the required notice of public hearing published in the official City newspaper. The MAPC approved a resolution adopting the Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan by a unanimous vote (11-0). The adopting Ordinance has been reviewed and approved as to form.

Dorothy Naïve

Ms. Naïve stated that she is the president of the Northeast Millair Neighborhood Association and has been on this steering committee from the time it started. Stated that this is an excellent plan and emphasizes the importance of neighborhood associations being actively involved in their neighborhoods. Stated that they are the driving force for revitalization, fighting crime, building good relationships with other neighborhoods and improvement of every day life in their neighborhood. Stated that neighborhood associations have provided a voice for their residents to local decision makers. Stated that the Central Northeast Area Plan can be used by other areas as a model to revitalize their area.

Council Member Brewer

Council Member Brewer stated that this project is one that was a huge undertaking and a perfect example of different groups that have a different vision and plan and can come together and agree on how they would like to see their community and how to make it a great community. Stated that there was 22 members, which represented a neighborhood association or various different groups.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Brewer moved that the Central Northeast Area Plan Update as an amendment to the Wichita-Sedgwick County Comprehensive Plan be adopted; the Ordinance placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance adopting the Central Northeast Area Plan update as an amendment to the Wichita-Sedgwick County Comprehensive Plan, introduced and under the rules laid over. (DR2004-00016)

PROCLAMATION

PROCLAMATION OF EMERGENCY-HURRICANE KATRINA DISASTER.

Gary Rebenstorf

Director of Law reviewed the item.

Agenda Report No. 05-0840

In anticipation of the City providing assistance for Hurricane Katrina victims, the Mayor issued a Proclamation of Emergency to activate the City's emergency plans to assure that needed emergency expenditures and the use of City facilities, equipment, and personnel are available to respond to the Proclamation of the Governor and to ensure cooperation in emergency management activities with State and Federal emergency requests.

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The Proclamation of Emergency (1) Proclaims a disaster emergency, based on the Hurricane Katrina and the September 1, 2005 Proclamation of Governor Sebilius; (2) Activates the response and recovery aspects of the City, State and Federal emergency management plans, and (3) Initiates aid and assistance for the disaster emergency.

Pursuant to State law, the Mayor's Proclamation is effective for seven days from the date of signing. Accordingly, it is necessary to extend the Proclamation of Emergency.

Under State law and the City's Home Rule powers, the Mayor has the authority to issue an emergency proclamation and the Mayor's Proclamation is effective for seven days from the date of signing. The proclamation was drafted and approved as to form by the Department of Law.

Gary Rebenstorf

Director of Law stated that under the state law this is in affect for only seven days and at this time he is recommending that the proclamation be extended for an indefinite period of time for these reasons: 1) it keeps our process in place in case something does happen in the future; 2) it keeps us in line with the proclamation made by the Governor to declare an emergency disaster and 3) it is in line with the President's response to the Governor to declare Kansas, part of the emergency disaster area. Stated that while those declarations are in place, he thinks that the best thing to do at this point is extend this emergency declaration until there is a final release by the other entities and there is no other activity that needs to take place.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Mayans moved that the Proclamation of Emergency be extended to continue the response and recovery emergency management plans and to continue aid and assistance until such time as the proclamation is rescinded by the Mayor or the City Council of the City of Wichita. Motion carried 7 to 0.

--carried

PLANNING AGENDA

Motion--

Mayans moved that Planning Consent items 47 to 57 be approved as presented and that items 45 and 46 be held for discussion. Motion carried 7 to 0.

--carried

(Agenda Item 45)
DR2005-18

DR2005-18-SOUTH CENTRAL NEIGHBORHOOD PLAN UPDATE. (DISTRICTS I AND III)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 05-0820

In the spring of 1995, the City, with assistance from the Department of Landscape Architecture and Regional and Community Planning at Kansas State University, completed A Revitalization Plan for the South Central District. This plan addressed numerous community redevelopment and revitalization issues for the low-moderate income neighborhoods generally located east and west of Broadway between Kellogg and Pawnee. Recently, the South Central Progressive Neighborhood Association and the South Central Improvement Alliance have expressed an interest in revisiting the community redevelopment and revitalization strategies identified in the 1995 plan. Their desire is to update the plan strategies as needed in order to achieve long-term redevelopment and revitalization successes in the South Central area.

It is important that the update of the plan reflect input from key community and neighborhood stakeholders. A series of community meetings will be held as part of this initiative. It is recommended that a citizen's steering committee oversee the plan update. The steering committee is recommended to consist of members appointed by the City Manager as follows:

- Three members of the South Central Improvement Alliance
- Three members of the South Central Progressive Neighborhood Association
- One member of the Metropolitan Area Planning Commission
- One member of the District I Advisory Board

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- One member of the District III Advisory Board
- One at-large business/industry representative selected by the District I City Council Member
- One at-large business/industry representative selected by the District III City Council Member
- One at-large resident selected by the District I City Council Member
- One at-large resident selected by the District III City Council Member

There are no additional financial costs to the City associated with this update. MAPD staff will undertake all necessary work utilizing currently budgeted funds.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Skelton moved that staff be directed to update the 1995 Revitalization Plan for the South Central District and the City Manager authorized to appoint a steering committee to guide the plan update.

--carried

Motion carried 7 to 0.

(Agenda Item 46)
V-1769

V-1769 PUBLIC HEARING TO VACATE A PORTION OF A PLATTED UTILITY EASEMENT, GENERALLY LOCATED SOUTHWEST OF THE MAPLE STREET AND RIDGE ROAD INTERSECTION. (DISTRICT V)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 05-0821

Staff Recommendation: Approve.

MAPC Recommendation: Approve.

V-1769 is a request to vacate a 20-foot wide platted utility easement that is located along the common lot lines of Lots 2, 3 and 4, Block B, Ridge Plaza 8th Addition. The utility easement runs along three lots that are held under common ownership and inhibit the building configurations available to the property owner. The MAPC and its Subdivision Committee considered this case and recommended approval, subject to the following conditions: the applicant is to submit proof of ownership of the three lots on which the easement is located; any cost to relocate utilities caused by the vacation are the applicant's responsibility; submission of substitute utility easements; and submission of a covenant tying all of the lots together into one building site. Once approved by the MAPC and prior to sending the request to the governing body for final action, the applicant is to advise that the conditions of approval have been completed, and advise staff that all conditions have been met.

This application was filed in 1992 (approved by Subdivision May 28, 1992 and the MAPC June 4, 1992), and it is only in the last several months that staff has been advised that all conditions have been met. Staff has verified that all conditions have been met and presents the case for final disposition. At the time this case was initially filed, the City Council was required by state law to hold a public hearing. Therefore, the Council needs to provide an opportunity for public comment

On December 30, 1998, the public hearing forum was changed from the Wichita City Council (WCC) to the Metropolitan Area Planning Commission (MAPC). Because this case was filed before 1998, the public hearing needs to be held by the City Council for approval. The current public hearing notice has been published 20 days prior to today's September 13, 2005, WCC meeting. V-1769's case file and the MAPC minutes show no protest being registered against the vacation case.

A certified copy of the Vacation Order and the Restrictive Covenant will be recorded with the Register of Deeds

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Martz moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

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DR2005-00019

DR2005-00019-REQUEST TO AMEND THE OFFICIAL OIL AND GAS WELL DISTRICT MAP. (DISTRICT I)

Agenda Report No. 05-0822

MAPC Recommendations: Approved 10-0-1.

MAPD Staff Recommendations: Approved.

DAB Recommendations: Not applicable.

DR81-17 established the Official Oil and Gas Well District Map (approved April 4, 1982 by MAPC and May 8, 1982 by the Board of City Commissioners). According to MAPC minutes, little drilling activity had taken place in Wichita since the 1950s until a request surfaced in the early 1980s and an ad hoc committee evaluated proper procedures for drilling in the city. MAPC felt oil drilling was incompatible with residential and light commercial uses; industrial zoning seemed to be the main criterion for being designated for allowing drilling of oil and gas wells.

The Official Oil and Gas Well District Map has not been updated since 1982. A few inquiries have surfaced, but none has progressed to the point of seeking a Conditional Use for oil and gas drilling until the case (CON2005-00023) heard at MAPC on July 14, 2005. The subject tract of CON2005-00023 is surrounded by land already included within the drilling district boundaries except to the north, but was not included in the 1982 map since the property was unincorporated at the time. It has been an area of drilling in the past. Four producing wells and three dry holes are shown north of K-96 and west of the Pearson tract on the map produced by KBP (Kansas Blueprint, well information dated January 8, 2001). The CON2005-00023 site could be considered an infill of an existing area designated as appropriate for drilling.

A comprehensive review of the 1982 Official Oil and Gas Well District Map would identify the following types of potential changes:

1. More land zoned "LI" Limited Industrial and "GI" General Industrial have been added to the City of Wichita through annexation and rezoning. These areas may be appropriate for inclusion within the Official Oil and Gas Well District Map.
2. Some land previously included has been rezoned to residential or lower intensity is now zoned "SF-5" Single-family Residential and developed with single-family residences and a golf course. This was property zoned "LI" at the time of the adoption of the Official Oil and Gas Well District Map in 1982.

A comprehensive evaluation of these changes and the appropriateness for altering the map would be a possible future activity for the Advance Plans Committee of MAPC. This particular amendment focused on the appropriateness of the request forwarded by the applicant for CON2005-00023 as well as another nearby property owner. Additional tracts in the vicinity were not included since those property owners had not sought designation. Staff felt inclusion of the other potential areas should await comprehensive evaluation that included all affected property owners in the discussion.

At the MAPC meeting held August 11, 2005, MAPC voted (10-0-1) to approve subject to staff recommendation. The property owners for the areas proposed for inclusion in the map were present at the meeting.

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--

Mayans moved that the ordinance amending the Official Oil and Gas Well District Map as recommended by the Metropolitan Area Planning Department be placed on first reading and the necessary signatures authorized.

--carried

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ORDINANCE

An Ordinance approving certain amendments to the official oil and gas well district map of certain lands located in the City of Wichita, Kansas, under the authority granted by section 25.04.020 of the Code of the City of Wichita, Kansas, as amended, introduced and under the rules laid over.

ZON2005-00031

ZON2005-00031-ZONE CHANGE FROM “LI” LIMITED INDUSTRIAL TO “CBD” CENTRAL BUSINESS DISTRICT. GENERALLY LOCATED EAST OF COMMERCE, SOUTH OF WATERMAN 410, 414, 420-424, AND 524 SOUTH COMMERCE. (DISTRICT I)

Agenda Report No. 05-0823

MAPC Recommendations: Approved, vote (10-0).

MAPD Staff Recommendations: Approve.

DAB Recommendations: Not applicable.

The applicants request a zone change from “LI” Limited Industrial to “CBD” Central Business District on four properties located east of Commerce, between Waterman and Kellogg. Each of the applicants wish to continue existing businesses within their buildings, and also to develop residential uses. Residential use is not permitted in the LI district, but is permitted in the CBD district.

This portion of South Commerce contains warehouse buildings dating back to the 1890s and has more recently been developed as an art gallery district. The surrounding area is generally zoned LI between St Francis and the railroad tracks. The surrounding land uses include parking, warehousing, retail, office and residential uses. East of these properties is the BNSF Railroad tracks.

The CBD zone allows most uses permitted in LI, but has no setback or parking requirements and permits residences.

The Metropolitan Area Planning Commission (MAPC) recommended approval. No neighboring property owners were present to speak about the case, and no protests have been received.

Motion--
--carried

Mayans moved to concur with the findings of the MAPC approving the zone change, and place the ordinance establishing the zone change on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210 introduced and under the rules laid over. (ZON 2005-00031)

SUB2005-47

SUB2005-47-PLAT OF WICHITA CONCRETE PIPE ADDITION, LOCATED WEST OF BROADWAY AND ON THE SOUTH SIDE OF 37TH STREET NORTH. (DISTRICT VI)

Agenda Report No. 05-0824

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This unplatted site, consisting of one lot on 11.83 acres, is located within Wichita’s city limits. A zone change (ZON 2005-15) from SF-5, Single-Family Residential District to LI, Limited Commercial District, was approved for this site subject to platting. A Protective Overlay (PO #156) was approved for this site, and a Protective Overlay Certificate was submitted addressing uses, outside storage, screening, signage, paving and architectural design.

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Municipal services are available to serve this site. In accordance with the Protective Overlay, a No-Protest Agreement was submitted for the future paving of 35th Street North. A Restrictive Covenant was submitted to provide ownership and maintenance of the reserves being platted for drainage purposes.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until the plat has been recorded with the Register of Deeds.

The Protective Overlay Certificate, No-Protest Agreement and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--

-- carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized and the Ordinance placed on first reading with publication being withheld until the Plat has been recorded with the Register of Deeds. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210 introduced and under the rules laid over. (ZON 2005-00015)

SUB2005-53

SUB2005-53-PLAT OF LANDFILL MANAGEMENT ADDITION, LOCATED ON THE SOUTH SIDE OF MACARTHUR ROAD AND EAST OF THE KANSAS TURNPIKE. (DISTRICT III)

Agenda Report No. 05-0825

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This site, consisting of one lot on 5.9 acres, is located within Wichita's city limits. This site is zoned GI, General Industrial District.

Municipal services are available to serve the site. A Cross-lot Access Agreement has been submitted that permits future cross-lot access with the abutting property owner to the east. A Cross-lot Drainage Agreement has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Cross-lot Access and Drainage Agreements will be recorded with the Register of Deeds.

Motion--

--carried

Mayans moved that the documents and plat be approved and the necessary signatures authorized. Motion carried 7 to 0.

SUB2005-76

SUB2005-76-PLAT OF NEWMARKET SQUARE PHASE II ADDITION, LOCATED NORTH OF 21ST STREET NORTH AND ON THE WEST SIDE OF MAIZE ROAD. (DISTRICT V)

Agenda Report No. 05-0826

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

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This site, consisting of three lots on 8.6 acres, is a replat of Lot 1, Block 1, Newmarket Square Addition. A Protective Overlay (PO #36) was approved this site, and a Protective Overlay Certificate was submitted addressing uses, screening, signage, building height and architectural design.

Municipal services are available to serve this site. A Cross-lot Access Agreement was submitted permitting cross-lot access through Lot 1 for the benefit of Lots 2 and 3.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Protective Overlay Certificate and Cross-lot Access and Easement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved and the necessary signatures authorized.
Motion carried 7 to 0.

DED2005-23

**DED2005-23-PARTIAL DEDICATION OF ACCESS CONTROL AND DED 2005-24-
DEDICATION OF STREET RIGHT-OF-WAY FOR PROPERTY LOCATED ON THE
NORTHWEST CORNER OF CENTRAL AND GILDA. (DISTRICT IV)**

Agenda Report No. 05-0827

MAPC Recommendation: Allow the City to steal this land and the dedicated right-of-way that goes with it and the access control at the corner of Central and Gilda. (8-4)

On June 7, 2005, a zone change request (ZON 2005-13), from SF-5, Single-family Residential District to LC, Light Commercial District was approved subject to additional dedications. These dedications have been provided and are being submitted for City Council's approval. The dedications are for access control, except for one opening, and ten feet of additional street right-of-way along Central.

The four negative votes by the Planning Commissioners reflect opposition to the City obtaining right-of-way as a condition of approval of a zoning request or some other land use action.

The Dedications have been reviewed and approved by the Planning Commission.

The Dedications will be recorded with the Register of Deeds. Staff has reviewed the concerns regarding dedications with legal staff. Planning staff is advised that under current law, the City is operating within accepted practice to obtain dedications as a condition of granting zoning or some other land use action, provided it can be shown that the dedication has connection to the request and that the amount of dedication is proportional to the requested land use action.

Motion--
--carried

Mayans moved that the Dedications be accepted and the ordinance placed on first reading.
Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210 introduced and under the rules laid over. (ZON 2005-00013)

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DED2005-25

DED2005-25-DEDICATION OF ACCESS CONTROL AND DED 2005-26-DEDICATION OF STREET RIGHT-OF-WAY FOR PROPERTY LOCATED SOUTH OF CENTRAL AND WEST OF TRACY. (DISTRICT IV)

Agenda Report No. 05-0828

MAPC Recommendation: Accept the Dedications. (12-0)

These dedications are for complete access control and ten feet of additional street right-of-way along Central; they are associated with a zoning case (ZON 2004-53).

The Dedications have been reviewed and approved by the Planning Commission.

The Dedications will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedications be accepted. Motion carried 7 to 0.

VAC2005-00011

VAC2005-00011-REQUEST TO VACATE PLATTED ACCESS CONTROL, GENERALLY LOCATED NORTH OF HARRY STREET AND EAST OF MERIDIAN AVENUE. (DISTRICT IV)

Agenda Report No. 05-0829

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

The applicant has applied for the vacation of the complete access control to allow one drive onto Saint Clair Avenue from Lot 2, Block A, the Santa Fe Orient Industrial District 3rd Addition. Saint Clair Avenue is a paved residential street. There are single-family residences across Saint Clair Avenue, west of the subject site. The applicant has requested the additional access for an employee and customer parking lot. The site currently has access onto Harry Street, a two-lane arterial, via Harry Court, a cul-de-sac that is southeast of the site. There is a water line located in the Saint Clair Avenue right-of-way. The applicant has provided Staff with a site plan. The Santa Fe Orient Industrial District 3rd Addition was recorded with the Register of Deeds on December 27, 1978.

The MAPC voted (9-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds. The applicant has filed a Restrictive Covenant with the Register of Deeds that prohibits industrial vehicles access onto Saint Clair Avenue from the site and the proposed parking lot.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

VAC2005-00021

VAC2005-00021-REQUEST TO VACATE PLATTED ALLEY RIGHT-OF-WAY, GENERALLY LOCATED NORTH OF DOUGLAS AVENUE BETWEEN SENECA AND SYCAMORE STREET. (DISTRICT IV)

Agenda Report No. 05-0830

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

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The applicants are requesting consideration to vacate the 15-foot wide (x) 125-foot long portion of a north-south platted alley that runs between Lots 69 & 71, all in the West Wichita Addition. For this alley, the northern boundary is an east-west alley and the southern boundary is Douglas Avenue. The site is within the Delano Overlay District and within a Historical Environs and will need to comply with the applicable development standards for building within the vacated portion of the alley. Both abutting property owners have signed the petition and application to vacate. The West Wichita Addition was recorded with the Register of Deeds on August 4, 1872.

The MAPC voted (10-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

The applicant has provided a letter of credit providing for closure of the alley returns and continuation of curbing and sidewalk along its intersection of Douglas Avenue.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

VAC2005-00023

VAC2005-00023-REQUEST TO VACATE A UTILITY EASEMENT DEDICATED BY SEPARATE INSTRUMENT, GENERALLY LOCATED WEST OF GREENWICH ROAD AND NORTH OF STATE HIGHWAY K-96. (DISTRICT II)

Agenda Report No. 05-0831

Staff Recommendation: Approve

MAPC Recommendation: Approve (Unanimously)

The applicant is requesting consideration for the vacation of a 20-foot utility easement dedicated by separate instrument (Film 2143, Page 1411). There is a sewer line and manhole in the easement the applicant wants to vacate. The applicant has provided the Water & Sewer Department with documentation that has established the sewer line and manhole as private. There are no water lines in the easement. There are no other utilities located in the easement. The Regency Park Addition was recorded with the Register of Deeds on February 29, 2000.

The MAPC voted (9-0-1) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order and Restrictive Covenant binding and tying Lot 6, Block 1 Regency Park 3rd Addition and a portion of Lot 6, Block 1, Regency Park Addition will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

A05-13

A05-13R-REQUEST BY MARK CHAPPELLE OF DEVELOPMENT PARTNERSHIP TO ANNEX LAND GENERALLY LOCATED SOUTH OF PAWNEE STREET BETWEEN 135TH STREET AND 119TH STREET. (DISTRICT IV)

Agenda Report No. 05-0832

The City has received a request to annex 75.85 acres of land generally located south of Pawnee Street between 135th and 119th Street. The annexation area abuts the City of Wichita to the east. In addition, a plat is currently being requested for this proposed annexation area. The property owner proposes to

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develop approximately 170 "SF-5" Single-Family Residential units. Several isolated road segments are also included with this annexation request.

Analysis:

Land Use and Zoning: The proposed annexation consists of 75.85 acres of property currently zoned "SF-20" Single-Family Residential. Upon annexation, the property will convert to "SF-5" Single-Family Residential.

Property to the north, west and south of the subject property is zoned "SF-20" Single-Family Residential, while property to the east is zoned "SF-20" and "SF-5."

Public Services: There is an existing 8" water line crossing 119th St W. along Grant Street just north of Pawnee, as well as, an existing 16" water main along Pawnee ending near Milstead. However, there is a project in the design phase to extend water between these two points, through the intersection of Pawnee and 119th W. Water for the subject site could be petitioned from that intersection. According to the City's current master plan, the subject site is to receive sewer service via the proposed Mid-Continent Interceptor that would be close to, or south of, the south line of the subject site and discharge near Tyler and Yosemite.

Street System: The subject property borders Pawnee Street to the north, which is a paved, two-lane arterial road. The City of Wichita Capital Improvement Program (CIP) 2004-2013 and the 2004 Transportation Improvement Program has scheduled Pawnee to be widened and reconstructed, from 119th Street West to Maize. In addition, according to the City of Wichita Capital Improvement Program 2004-2013, 119th Street West is scheduled for improvements, from Pawnee to Maple Street. These improvements for both Pawnee and 119th Street West are located approximately 1/2 mile northeast of the subject property. The Sedgwick County Capital Improvement Program 2005-2009 does not call for improvements near the proposed annexation site.

Public Safety: Fire services to this site can be provided by the City of Wichita within a seven (7) to eight (8) minute approximate response time from City Station No. 17 located at 10651 W. Maple. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 N. Elder.

Parks: The Pawnee Prairie Park, a 625-acre park, is located approximately 2 miles to the east of the proposed annexation site. Amenities at the park include a five-mile bridle trail, an eight-mile nature trail, a municipal golf course, a nature center, and parking areas that accommodate horse trailers. Several horse stalls are also available. In addition, Air Capital Memorial Park, a ten-acre park, is adjoining Pawnee Prairie Park to the north. Meadow Park, a 51-acre park, and the Auburn Hills Golf Course, a 158-acres, 18-hole championship golf course is located approximately 2 miles north of the subject property. According to the 1996 Parks and Open Space Master Plan, a pathway has been proposed that would run along the north boundary of the subject property.

School District: The annexation property is part of the Unified School District 265 (Goddard School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Service Area as shown in the Plan.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$16,590 with a total assessed value of \$4,977. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$156 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property, and the current mill levy. At this time, the property owner is anticipating that approximately 170 single-family housing units will be developed within the next five years. The total appraised value of this residential development after completion is estimated at \$21,250,000. Assuming the current City levy remains about the same, this would roughly yield \$76,748 in City annual tax revenues.

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The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Mayans moved that the annexation request be approved and the Ordinance placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over. (A05-13)

HOUSING AGENDA

Motion--carried

Mayans moved that the Housing Consent item be approved as presented. Motion carried 7 to 0. (Inafay Grays-McClellan was absent).

ACOP

AMENDMENT TO THE ADMISSIONS AND CONTINUED OCCUPANCY POLICY (ACOP).

Agenda Report No. 05-0833

The U.S. Department of Housing and Urban Development (HUD) has established a priority to assist existing public housing and voucher program participants who have been affected by Hurricane Katrina. Public Housing Authorities may specify a preference for providing housing to disaster-affected families. In order to do so, the Housing Authority's Admissions and Continued Occupancy Policy (ACOP) must include this preference.

The Wichita Housing Authority has an ACOP, which identifies displaced persons as a service group but does not specify a preference for housing such persons. Because HUD has determined that preferences may be given for persons whose dwellings have been extensively damaged or destroyed as a result of a disaster, the ACOP has been amended to specify that such displaced persons will be given preference over other waiting list place holders, in making housing placements.

There is no cost associated with the approval of this amendment.

The Housing Authority may amend the ACOP without public comment period when the amendment is not considered "significant". This modification is not considered "significant" and the amendment is therefore presented for Consent approval without a formal public comment period.

Motion--
--carried

Mayans moved that the Admissions and Continued Occupancy Policy revision for the administration of the Public Housing Program be approved; the resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

AIRPORT AGENDA

Mayor Mayans

Mayor Mayans requested to pull item 64 for discussion.

Motion--carried

Mayans moved to approve Airport Consent items 59 to 63 as presented. Motion carried 7 to 0.

CHANGE ORDER

REMOTE PARKING LOT-CHANGE ORDER, WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 05-0834

On March 16, 2004 the Wichita Airport Authority approved a project to provide for a Remote Parking Lot. The lot has been up and running now for about ten months.

A final change order has been prepared to adjust for final quantities.

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The cost of the change order is (\$6,325.37). This change results in a decrease from the original contract amount.

The Law Department has approved the change order.

Motion--
--carried

Mayans moved that the change order be approved and the necessary signatures authorized. Motion carried 7 to 0.

SECURITY GATES

SECURITY GATES AND PARKING LOT IMPROVEMENTS, WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 05-0835

On August 10, 2004 the Wichita Airport Authority approved a project for security gate and parking lot improvements. The major elements of work include the elimination of several pedestrian and vehicle gates in the security fence, improvements to the driveway entrances into two security gates for better emergency access, elimination of vehicle parking close to the security fence, and the addition and expansion of parking and drainage adjacent to the security gate entrances.

A final change order has been prepared to adjust for actual quantities and the contract time.

The cost of the change order is \$7,965.50. Funds are available in the approved budget.

The Law Department has approved the change order.

Motion--
--carried

Mayans moved that the change order be approved and the necessary signatures authorized. Motion carried 7 to 0.

DEPT. OF AGRICUL.

AGREEMENT-U.S. DEPT. OF AGRICULTURE.

Agenda Report No. 05-0836

In 2000, the WAA entered into an agreement with the U. S. Department of Agriculture/Wildlife Services to provide funding for one specialist to assist the WAA with its wildlife management program at Wichita Mid-Continent and Jabara Airports. This agreement has been renewed annually for the past years.

The U. S. Department of Agriculture/Wildlife Services has prepared a cooperative services agreement to collect and monitor biological assessment data and provide continuous wildlife management oversight. Wildlife management at airports is mandated by the FAA.

The cost for services provided is \$44,545 for the period October 1, 2005 through September 30, 2006. This amount reflects an increase of \$1,444 above the 2004/2005 contract amount for these services. One specialist, based on the airport, will be assigned to the project for approximately 32 hours per week. Work hours will vary to most appropriately interact with wildlife management issues. Funds are included in the operating budget.

The Agreement has been approved as to form by the Department of Law.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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S.A. NO. 1

MULTI-BUSINESS SERVICE CORPORATION D/B/A MINUTE-BUY MINUTE-S.A. NO. 1.

Agenda Report No. 05-0836

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The U. S. Department of Agriculture/Wildlife Services has prepared a cooperative services agreement to collect and monitor biological assessment data and provide continuous wildlife management oversight. Wildlife management at airports is mandated by the FAA.

The cost for services provided is \$44,545 for the period October 1, 2005 through September 30, 2006. This amount reflects an increase of \$1,444 above the 2004/2005 contract amount for these services. One specialist, based on the airport, will be assigned to the project for approximately 32 hours per week. Work hours will vary to most appropriately interact with wildlife management issues. Funds are included in the operating budget.

The Agreement has been approved as to form by the Department of Law.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

JABARA AIRPORT

SOUTHWEST AREA SITE DEVELOPMENT, COLONEL JAMES JABARA AIRPORT.

Agenda Report No. 05-0838

Colonel James Jabara Airport has room for growth, and efforts are being made to prepare new infrastructure to accommodate and attract new tenants. A contract has been prepared to address utility and road extensions in the southwest area next to Webb Road.

The Staff Screening and Selection Committed interviewed four firms and selected Professional Engineering Consultants for engineering services.

The contract with Professional Engineering Consultants for design and bid phase services is \$43,200. Funds are available within the approved capital project budget.

The Law Department has approved the contract.

Motion--
--carried

Mayans moved that the contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

(Agenda Item 64)

AIRTRAN AIRLINES

CONTRACT FOR OUTSIDE LEGAL SERVICES-DELTA AIRLINES COMPLAINT WITH FAA REGARDING AIRTRAN AIRLINES.

Agenda Report No. 05-0839

In December 2004 the City Manager retained the law firm of Palmer & Dodge to represent the interests of the Wichita Airport Authority in connection with a complaint filed with the Federal Aviation Administration by Delta Airlines challenging the relationship between the City of Wichita and Airtran Airlines entered into in May 2004. This agreement was for an amount not to exceed \$24,000. The firm has provided representation since that time and the matter remains pending with the FAA. There is additional legal work necessary to fully protect the interests of the Wichita Airport Authority that will substantially exceed the limits of the existing contract.

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In order to continue to represent the Wichita Airport Authority adequately in this matter the maximum amount that can be expended for fees and expenses under the existing contract needs to be increased to \$75,000.

The fees and expenses for the City's defense of this lawsuit will be paid by the Wichita Airport Authority.

The Law Department has approved the amendment to the original contract for legal services as to form.

Mayor Mayans Mayor Mayans stated that he sees where it is necessary to increase the budget and authorization to \$75,000 from the previous \$24,000.00. Inquired about the status on this issue and asked if there will be more requisitions.

Gary Rebenstorf Director of Law explained that we are not asking for an additional \$75,000.00 on top of the \$24,000.00 but for \$75,000.00 minus the original \$24,000.00 so that the authority that we are seeking is only for \$51,000.00. Stated that the reason that we are asking for this at this point in time is because we still have not received the decision from the FAA and the latest word that we have is that they are expected to provide a decision sometime in October, so in anticipation that if there is any activity that needs to take place the rest of this year, we would need some funds to cover that. Stated that we are estimating only \$9,000.00 or \$10,000.00 and the rest of the \$42,000.00 is for fees that have gone over the original \$24,000.00, when Mr. Berg prepared the first response to the FAA back in May of this year and then the meeting that was held in Washington with the Department of Transportation officials and preparing for that meeting. The fees for that period of time and for the whole time of this contract since 2004, we will pay those past fees that we owe them and then the amount left if something happens the rest of this year, would be approximately \$9,000.00.

Mayor Mayans Mayor Mayans stated that for future situations, the Council would like to be made aware of any case that could expand to this type of situation. Stated that they would like to be advised early on if there are any changes.

Motion-- Mayans moved that the amendment to increase the maximum amount of fees and expenses that may be expended under the agreement with Palmer & Dodge to \$75,000 be approved; the budget increased and --carried the necessary signatures authorized. Motion carried 7 to 0.

CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

Council Member Brewer Council Member Brewer requested to appoint to the Southeast Redevelopment Committee, Debra Stevens-Miller and Dick Gregory and Hayley Domitrovic, who is a senior at East High School to DAB I and Joel Van-Boening to the Mid American Indian Center.

Council Member Fearey Council Member Fearey requested to appoint Bill Fox to the Mid American Indian Center.

Mayor Mayans Mayor Mayan requested to appoint Jeff Farney to the Arts and Design Board to replace Harold Wilson and Sonja Greteman to the Arts and Design Board.

Motion--carried Mayans moved to approve the appointments. Motion carried 7 to 0.

RECESS

Motion-- Mayans moved that the City Council recess into Executive Session at 11:15 a.m. to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: potential litigation, legal advice and contract negotiations and that the Council return from executive session no earlier than 11:30 a.m. and reconvene in the City Council Chambers of City Hall. Motion --carried carried 7 to 0.

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RECONVENE

The City Council reconvened in the City Council Chambers at 11:30 a.m. Mayor Mayans announced that no action was taken.

Motion--carried

Mayans moved at 11:30 a.m. that the executive session be closed. Motion carried 4 to 0, (Martz, Fearey and Brewer were not present).

Motion--carried

Mayans moved at 11:31 a.m. that the regular meeting be closed. Motion carried 4 to 0, (Martz, Fearey and Brewer were not present).

ADJOURNMENT

The City Council meeting adjourned at 11:31 a.m.

Respectfully submitted

Karen Sublett
City Clerk

Workshop followed in the First Floor Board Room